

A  
DISPLAY  
OF *W. D. V. W. D.*  
**Tyranny:**  
*Yuu. OR Awd*  
REMARKS,

UPON

The Illegal and Arbitrary Proceed-  
ings, in the Courts of ~~Westminster~~,  
and ~~Guild-Hall~~ London.

From the Year, 1678. To the Abdi-  
cation of the late King James,  
in the Year 1688.

In which time, the Rule was,

*Quod*  
*Principi placuit, Lex esto.*

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**First Part.**

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DISPATCH

OF

THE

OR

REMARKS

UPON

The Illegal and Arbitrary Proceed-  
ings in the Court of Goldsmiths  
and Silver Smiths.

From the Year 1783 to the Year  
1788, in the Year 1788.

At which time the Bill was

Printed by James Dods.

Printed by J. Dods.

The Editor of the

London Chronicle, &c.



*Your Book Intended*

TO  
The Eminently Deserving  
and Highly Honoured,  
Sr Samuel Barnardiston  
Baronet.

Sir,

*the  
Display*

**T**Hat I do inscribe these my  
summary *Collections* of some  
few of the *Exorbitancies*,  
and of the *arbitrary, illegal and per-  
nicious Practices* of the late *unhappy*  
*Reigns*, to your *Name*; will, as I  
hope, be forgiven; when you re-  
flect upon your own dear bought  
share, in the *melancholy and tragical*  
*Transactions*, upon which I have  
spent my thoughts.

The Names of the late *Earl of*  
*Shaftesbury*; & of my *Lord Russel* &  
*Col. Sidney* and other great Men (who  
were run upon, and destroyed by

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a Race of Men, who were raised to the *Bench*, from being the *Scandal* of the *Bar*; and by ignorant, corrupt and *partial Jury-Men*) will be remembered with eternal honour. And by consequence it must be yours, that you were my *Lord Russel's* endeared Friend; That you served as *Foreman* of that great *Jury* which guarded the *Earl of Shaftesbury's* Life, and that you expressed your self with some transport of Joy, at the hopes of the brave *Colonel Sidney's* deliverance; and that the *sham Protestant Plot* was confounded.

That from hence immediately your late Troubles sprung, is fresh in every Bodies remembrance; but 'tis not so well known, that you had the guilt of Original Sin upon you; you were a *Barnardiston*, descended of a *Family* well known, and highly esteemed in *Suffolk* and *Lincolnshire* for many hundreds of years past, & which no *History* remembers to have been

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been clouded, but in times, when the *Laws of England* have suffered an *Eclipse*.

Your never to be forgotten Father *Sr Nathaniel Barnardiston*, was in the worst of times (*those in which we have lived, excepted*) a *Champion*, & a *Resolute Assertor* of the *English Liberties*; He, in the year 1626, when King *Charles the first*, in a most arbitrary way, required money by way of *Loan*; (*with many other good Patriots*) refused to subscribe and lend; and was thereupon, as a *refractory Person* (*as was the Language of the Privy Council of that day*) confined (*far enough from home*) in the County of *Sussex*; however, he stiffly adhered to his honest resolution against that arbitrary attempt; and continued under confinement, till the beginning of the year 1628, when that *King's* straits necessitating a *Parliament*, the *Gentlemen* imprisoned for refusing the *Loane-Money*, were then

A 2 released

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*released, and generally throughout the Kingdom, elected to present the Grievances, and assert the Liberties of the People, in that Parliament; as was Sr Nathaniel Barnardiston, for his County of Suffolk.*

Sir! The Remembrance of this, when you were first invited by that County, to represent them in Parliament, upon the death of Sr Henry North, might in (all propability) provoke a great Minister of State to say, *that there was reason of State, why you must not be Knight of your Shire; and therefore he would appoint an easie Gentleman (whom he could manage) Sheriff, to keep you out; and so he did as long as he could; at a time, when that Parliament was corrupted, to such a degree, that the Fate of the Nation seemed almost to depend upon the Vote of one or two good Members; your Country, had upon that occasion, a manifest demonstration of your Fidelity and*  
Zeal.

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Zeal, in their Service ; you did worthily assert the right of that *Election* (than which there never was any more clearly made) & after a tedious and very expensive attendance, in prosecuting your Complaint of that abuse ; your *Election* was affirmed in the *House of Commons* ; tho' opposed by the united power, of *Tories*, *Pensioners* and *Papists* ; you then came into *Parliament* at a most Critical Juncture, When the *Protestant Religion*, and the *Laws* were eminently beset, and dangerously threatned ; you did most faithfully and unweariedly labour there for some years, against very great Discouragements ; It being in that day a mighty conquest, : if the true *English Gentlemen* of that *House*, could, for the saving of the *Kingdom*, carry a *Question* by five or six *Voices*, against the numerous *Pensioners*, who were there listed ; and sed, and paid, to betray, their *Countries Liberties*.

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Your demeanour and great desert in that day of *England's* Distress, merited a Title to the Hearts of your *Country-Men*; who with very little opposition, if not with an unanimous Voice, Elected you, for one of their *Representatives* to the three succeeding *Parliaments*; in which, your avowed Opposition to *Papery*, and undaunted Adhesion to the *Bill of Exclusion*; as the only expedient for securing the *Protestant Religion*, markt you out to the *Popish* Rage.

These (*Sir*) were in truth your heinous actual transgressions; These provoked *Jefferies* (whose *Talent lay in facing all things down with Noise and Impudence*) to discharge a load of Slime and Choler at you; your Crimes were complicated; and they lie under a very great mistake, who think, that your *Imprisonment* and *Fine* of 10000*l.* were only for writing to a Friend, what you believed, and all good Men passionately desired.

Having

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Having thus mentioned your great Oppression, I shall take leave (not for your own, but) for the Reader's Information, to insert the Reasons upon which the House of Lords, did lately reverse, that unjust and wicked Judgment upon you.

1st. The Information in this Case, being grounded upon Letters, which in themselves were not material, but made so by *Innuendo's*, their Lordships declared, that *Innuendo's*, or supposed or forced Constructions, ought not to be allowed; for all Accusations should be plain, and the Crimes ascertained.

2dly. That the Fine of 10000 l. is exorbitant and excessive; not warranted by legal Precedent in former Ages; for all Fines ought to be with a *Salvo Contenemento*; and not to the Parties Ruin.

3d. That the demanding Sureties for the good Behaviour, during Life; except in very great, and very of-



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ten repeated Crimes; wherein the Publick Peace of the *Realm* is very much concerned; is *contrary to the Liberty of the Subject.*

Sir! to detain you no longer upon a Subject so well known, as is that of your own Sufferings and Desert, I know not whether I ought to apologize, for my frequent using the name of *Tory*; I am conscious, that *Names of Discrimination and Reproach*, are offensive to the Ears of good Men; therefore to explain my self; I intend not thereby to expose the well-deserving and pious *Members of the Church of England*; but I mean the *Men*, who, (being forsaken of common Sense and Honesty) seemed ready to renounce the name of *Protestant*; and gloried in *Ranting, Damning, Swearing Loyalty*; The *Men*, who encouraged and triumphed, in the *Murders* of late committed amongst us; and who, to this hour, go on to palliat and excuse, if not



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to justifiethem; The Men, who cry-  
ed up a Popish Successor, as the only  
means to preserve the Church of Eng-  
land, and who are now for calling him  
back.

These were Men, who would  
have finished the Ruin of the Nati-  
on, in the Dissolution of its antient  
and well Established Government;  
and in the Blood of its best Patriots;  
They gloryed in calling themselves  
Tories; their Guide and Patron, did,  
in their name, thrust out & stigma-  
tize all the sober and moderate Men  
of the Church of England, with the  
Name of Trimmers, & bestowed up-  
on them this Apothegme, That a  
Trimmer is worse than a Rebel.  
Whoever recurs to the Original of  
that Name, in the Observators; will  
find, that it pointed at first, at two  
honourable and never to be forgot-  
ten Protestants, of your Neighbour  
County, the late Lord Townshend  
and Sr John Hebert, of Norfolk; and  
quickly

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quickly after, Dr Fowler, Mr Smithee, and many other Reverend Divines of the Church of England, fell under that Denomination: Now surely 'tis not a Crime, to call such Men as these, by the name which they appropriated to themselves; and 'twere Foolish, to esteem Men of their practices, to be of any Religion.

In some cases a Man ought not to be over-patient; and it must move any one, to hear a Learned Lawyer at the Bar, at the time when Popery had actually ascended the Throne, in this manner, to caress a Tory Jury; Gentlemen! I cannot but with much Sorrow remember to you, and I know you all remember it too well, that there was a time when the City of London, was so far corrupted, that it was become a Refuge and Sanctuary for high Treason; when there was no Justice to be had for the King there; when Men lodged themselves within, those

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those Walls, as a Protection for their Conspiracies; We all remember the time, when Indictments were perferred, and a plain Evidence given to a Grand Jury; even to the publick satisfaction of all that heard it; and yet they have refused to find the Bill; and not only so, but were so abetted by the Rabble; that it was scarce safe for the Judges to sit upon the Bench; These are things none of us can forget, but must be perpetually remembered; to the shame of the Authors and Contrivers, of them.

And must it not provoke a Man, to hear the following Doctrine from the Pulpit, upon the sad occasion of the good Lord Russell's death (of whom one of the best Divines now living, did truly say, that an Age would not repair that loss to the Nation) viz,

*Cutting of Throats would have been countred only a Scotch way of Trimming, and the destruction of Princes, to be*

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*no more but a perfecting the History of the Reformation.*

*They who cannot rise up to all the heights of Conformity; can yet strain a point upon occasion, and rise up to all the heights of Rebellion and Barbarity; and had not God marvelously interposed; these squeamish Conscience Traytors, would have shewed the truth of this,*

*Is it not astonishing (at this day, when the Parliament hath declared, that my Lord Russell, Colonel Sidney and Sr Thomas Armstrong, were murdered) to heare an Irish Arch-Deacon (who fled hither upon the score of Religion, and is a Principal Manager of our Charity, to the Irish Protestants) publickly ridicule, the death of the first two; (by telling us in an upbraiding way, these are your Martyrs) and affirm, that the last dyed justly and according to Law? Would such men as these, satisfie the World, of their Ingenuity and Repe-*

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*Repentance*, these *extravagancies* undoubtedly, ought to be put into utter *Oblivion*; now, that *Heaven* has wrought for us, a most signal and miraculous deliverance; but, which is to be lamented, those very Men, who carryed us to the very brinck of *destruction*; are not onely remorseless, but many of them do make it their business, (by *drinking Popish Healths*; wishing success to their *Arms*; and *spreading false Newes*) to infect and debauch the *Kingdom* (especially the *City*) and to traduce, maligne and undermine the *Government*, under which, the *divine Providence*, has so mercifully placed us: and therefore, they who have given such high provocations and done so much mischief; and do still remain impenitent: ought not to esteem themselves unkindly used, by some tart expressions.

Sr ! That I may be just ied with you, who I am sure would believe  
the

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the best of every Man, and make the best of all things; I have said much more then I did intend upon this occasion, and hope you will forgive it.

You have very signally, and heartily lent and laid out your self in your *Countries* service; that service was not onely difficult and hazardous, but it had proved fatal, had not *Heaven* interposed for your *deliverance*; and therefore, all true Lovers of old *England's* welfare, must wish, that no false Insinuations may lessen you in the esteem of Good Men; *you have been a publick Good,* and that obliges me to be,

February 10. }  
1689. }

Sir !

Your Honourer and  
Most Obedient Servant.

The COMMISSIONER and make  
things; I have laid  
upon the table the things upon  
which you will for

been... and hear  
... your...  
... that service  
... and hazard  
... proved that  
... for your  
... therefore all  
... must  
... may  
... of Good  
... of Good



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Remarks



REMARKS upon the  
Tryal of Dr *Titus Otes*,  
upon an Indictment  
for *Perjury*; at the  
King's Bench Bar at  
*Westminster* before Sr  
George Jeffryes, (Baron  
of *Wem*) Lord Chief  
Justice;

(Whom the House of Commons had re-  
commended to the King, by this Vote,  
and an Address thereupon, November  
the 13th, 1680. Resolved,

That Sr George Jeffryes Recorder of  
London, by traducing and obstructing Pe-  
titioning for the sitting of this Parliament,  
hath betrayed the Rights of the Subject.

Ordered, That an humble Address be  
made to his Majesty to remove Sr George  
Jeffryes out of all publick Offices.)

B

Mr

Mr Justice *(Who was advanced to a Seat*  
*Wythens, upon that Bench, by the fol-*  
*lowing Vote of the House of*  
 Commons, *October 29. 1680. Resolved,*  
*That Sr Francis Wythens, by promo-*  
*ring and presenting to his Majesty, an*  
*Address, expressing an Abhorrence to Peti-*  
*tion his Majesty for the calling and sitting of*  
*Parliaments, hath betrayed the undoubted*  
*Rights of the Subjects of England.*

And this Order thereupon :

Ordered, *That Sr Francis Wythens*  
*be expelled this House for this high Crime ;*  
*and that he receive his Sentence, at the Bar of*  
*this House upon his Knees from Mr Speaker.*  
*(Which he received accordingly.)*

Mr Justice *(late Recorder of Oxford,*  
*Holloway, whose part in the dispatch-*  
*ing Stephen Colledge ad-*  
*vanced him to this station.) And*

Mr Justice *(the best of all the four, but*  
*Walcot, as poor as Sr R. Wright,*  
*and by consequence a fit Tool*  
*to serve the purposes of that Juncture.)*

**T**hat the Conspiracy to introduce  
 Popery and Arbitrary Govern-  
 ment in England, took life in  
 the Year 1660. and was from that  
 time carried on, is now little doubted  
 by

by any *English-man*, who was not a well-wisher to it. We are not to question the late King *Charles* the second's dying a *Papist*, and 'tis as true that he so lived; but upon his Restoration, that the Duke's turn might be served, he must not then declare. An *Act* of *Parliament* was made to forbid our talking of it, under most severe Penalties: Then another *Act* put the *Sword* into his Hands, by Vesting the *Militia* solely in him: The *Pulpits* of the Kingdom (generally speaking) were filled with *Gentlemen* who had imbibed the Doctrine of *passive Obedience*, and *Non-Resistance*; An *Oath* was imposed, That it was not lawful upon any pretence whatsoever to take up Arms against the King, or against any commissioned by him; About two thousand sober and pious *Ministers* were thrust from the *Churches* and *Corporations* (and many of them into loathsome Goals) for *Non-conformity* to that *Oath*, and to a few slight, and as they judged unwarranted *Ceremonies*; and the best Members were thrown out of all the *Corporations* of *England* by a pretended *Regulation*, much more early then that of the late King *James*. Matters being thus ripened, and the Nation sufficient-

ly debauched by the *Court-Example*, what was wanting but an actual execution? This the *Conspirators* well knowing, as they did that the famous City of *London*, was the chief, if not the only obstacle to their Hellish design, a Resolution was taken to destroy it, which they effectually accomplished; discovery of this horrid Villany being made, (not to mention anything of the worthy *Sr Robert Brookes*, Chair-man of the Committee of Inspection into the firing of *London*.) *Hubert* a poor *French Papist*, being thereof Convict; the House of Commons, knowing that such a contemptible *Varlet* was not alone in that Fact, resolved to take him the next day into Examination, for discovery of his *Accomplices and Directors*; but to prevent it, that *Wretches Mouth* was stopt at *Tyburn*, in the Morning before the House met.

I am conscious that there are Persons now in being, who do not only pretend to doubt of this part of the *Popish Plot* (the burning of *London*) but of the Plot it self, I shall therefore here subjoyn the Sence of one of the best Houses of Commons which ever met at *Westminster*

January the 10th, 1680. Resolved,  
That it is the Opinion of this House, that the  
City

*City of London was burnt in the Year 1666. by the Papists, designing thereby to introduce Arbitrary Power & Popery into this Kingdom.*

It may also be here observed, that at this, as at every other juncture, when any *Popish Plot* was near the point of Execution, The *Papists* had constantly the *Fanatics* at hand to answer for their Villanies, without doubt the *Burning this Nest of Hereticks*, had been concerted both at *Paris* and at *Rome*, and the time for putting it in execution approaching; In *April 1666* a *Fanatick Plot* is brought upon the Stage, & seven or eight were Condemned at the *Old-Bayly* for *Plotting to kill the King*, and to *Burn the City upon the 3d day of September then following.* (For a more full account of this, the Reader is referred to the *London Gazette*, of *April the 30th 1666. Numb. 48.*)

The whole Kingdom being alarmed and put into a ferment by this accursed Enterprize, the Plot was post-poned; however it was kept alive, and the unwearied *Conspirators* carried it on, and in the Year 1678. the blow was ready to be given; but then, by the Providence of the Almighty *Dr Otes* detected their Machinations; He gave his first Information thereof to that worthy and never to be forgotten Justice of the Peace, *Sr Edmundbury Godfrey*, of which

the *Conspirators* having notice, for the Risling so fatal a discovery, they, in a most barbarous manner, hurried him out of the World, and did, with effronted Impudence attempt to perswade the World to believe, that that Gentleman was *Felo de se*, but Heaven bringing that matter to light, and his Murderers to justice; The Plot (maugre all oppositions and discouragements) began to be searched into, and was made out beyond contradiction, by some loose Letters and Papers found in the House of *Colman* (the Duke of York's Secretary) who had early notice of the discovery, and thereupon had carried his most material (and as it may be reasonably concluded he thought all) Papers which might endanger him, or his Master's Cause, to the Chamber of Mr *Wright* a Profligate Lawyer of *Lincoln's-Inn*, where they were burnt, for which assistance and good service, *Wright* was afterwards preferred to sit by turns in every of the Courts of *Westminster*, and at length to the place of Lord Chief Justice of *England*, then whom a Person more scandalous and ignorant, was never in any Age placed there.

Well,

Well, *Colman* was indicted, the Plot proved by *Dr Oss* and other Witnesses, & thereby & by his own Papers he was convicted and executed, as were by degrees several others: but for the sake of the Duke, and of the *Roman Catholick* Cause, the game must be retrived; in order thereto fit Engines were employed, some of the *Clergy* (who had long asserted, that *Papery* was more tolerable than *Presbytery*) with their guide the *Observer*, made it their business to decry the Evidence of the Plot, impudently affirming (as in particular did one *Scored* a grand Jury-Man in the Isle of *Ely*, who at the time of the Assizes there, began the Pope's health to his Brethren of the Grand Jury) *That there was no Popish, but a Presbyterian Plot.*

A great part of the unwary, and loose Church of *England* Men throughout the Kingdom, appeared to be infected with this mad Doctrine, so that to offer Instances thereof may seem impertinent: however, I shall take the liberty to inform the Reader, that upon complaint to the Judge sitting in Court (in September 1679.) of the above-named *Scored's* discourse, and drinking the



Pope's health; a Justice of the Peace, then upon the Bench, fell upon the Person who made that complaint, with great rage, and swore *By the Name of God, there is a Presbyterian Plot.*

To this I shall only subjoyn that which will be a more authentick Evidence of what is above asserted (*viz.*) October the 28th, 1680. (In the House of Commons;)

Resolved, *That it doth appear by the evidence this day given to this House, that Sr Robert Can is guilty of publicly declaring in the City of Bristol, in October 1679. That there was no Popish Plot, but a Presbyterian Plot.*

Ordered, *That Sr Robert Can, a Member of this House, be committed to the Prison of the Tower, and that he be expelled this House.*

Ordered, *That Sr Robert Ycomans be sent for in Custody to answer for publicly declaring in Bristol, That there was no Popish Plot, but a Presbyterian Plot.*

These easie mis-guided Gentlemen were Disciples of famous Parson Thompson of Bristol, whose Breath infected that great City, and upon whom the following Vote passed in the House of Commons.

December the 24th, 1680. Resolved,  
*Nemine contrahente, That Richard Thompson*



Thompson Clerk, has publicly defamed his Sacred Majesty, preached Sedition, Vilified the Reformation, promoted Popery, by asserting Popish Principles, denying the Popish Plot, and turning the same upon the Protestants, and endeavoured to subvert the Liberty and Property of the Subject, and the Rights and Priviledges of Parliament, and that he is a Scandal & Reproach to his Function.

Resolved, That the said Richard Thompson be Impeached thereupon.

Men of this Kidney having made way for its belief, We were from this time entertained with a Succession of many Presbyterian-Plots; the first thereof, known by the name of the Meal-tub-Plot, being happily discovered by Mr Dangerfield; both Lords and Commons taking the Alarm, did set themselves with double diligence to the Prosecution of the Popish-Plot, and to find out ways for the Uniting Protestants, and for Easing Dissenters; so little had the opinion of a Presbyterian-Plot prevailed within their Walls; and the Commons seeing a Dissolution at hand, passed these Votes.

December the 15th 1680. Resolved, *Nemine contradicente*, That a Bill be brought in for an Association of all his Majesties Protestants

Protestant Subjects, for the safety of his Majesties Person, the defence of the Protestant Religion, and the preservation of his Majesties Protestant Subjects, against all Invasions and Oppositions whatsoever, and for reventing the Duke of York, or any Papist, from succeeding to the Crown.

January the 7th 1680. Resolved, That it is the Opinion of this House, that there is no security or safety for the Protestant Religion, the King's Life, or the well Constituted and Established Government of this Kingdom, without passing a Bill for disabling James Duke of York to inherit the Imperial Crown of England and Ireland; and to rely upon any other means or remedies without such a Bill, is not only insufficient, but dangerous.

January the 10th 1680. Resolved, That it is the Opinion of this House, that the Prosecution of Protestant Dissenters upon the Penal Laws, is at this time grievous to the Subjects, a weakning of the Protestant Interest, an encouragement to Popery, and dangerous to the Peace of the Kingdom.

The next Moment after the passing this Vote, the Parliament was prorogued for ten days, and quickly after dissolved.

A new *Parliament* was forthwith Summioned to meet at *Oxford* the 21<sup>st</sup> of *March* following; but though the place was changed, the *Conspirators* found there, most of the *Zealous Protestant* Members of the *Westminster Parliament*, who came thither animated to prosecute the *Popish Plot*, the *Exclusion* of the *Duke*, and the *Uniting* of *Protestants*; by *Addresses* from those whom they represented, whereof take an Instance.

To the Honourable *Sr Samuel Bernardiston*, and *Sr William Spring* Baronets, Knights of the Shire for the *County of Suffolk*.

Gentlemen,

WE the *Freeholders* of this *County* having chosen you our *Representatives* in the last *Parliament*, in which We had satisfactory demonstration of your *Zeal* for the *Protestant Religion*, of your *Loyalty* to his *Majesties Person and Government*, and of your faithful *Endeavours* for the preservation of the *Laws*, our *Rights and Properties*; We now return you our most hearty *Thanks*,  
and

and have Unanimously chosen you to Represent this County at the Parliament to be holden at Oxford the 21th of March next, and though We have not the least distrust of your Wisdom to understand, or of your Integrity and Resolution to maintain and promote our common Interest now in so great hazard, yet We think it meet (at this time of eminent danger to the King and Kingdom) to recommend some things to your Care, and particularly We do desire.

First, That, as hitherto you have, so you will vigorously prosecute the execrable Popish Plot, now more fully discovered and proved, by the Tryal of William late Viscount Stafford.

Secondly, That you will promote a Bill for Excluding James Duke of York, and all Popish Successors from the Imperial Crown of this Realm, as that which under God may probably be a present and effectual means for the preservation of his Majesties Life, (which God preserve) the Protestant Religion, and the well Established Government of this Kingdom.

Thirdly, That you will endeavour the frequent Meeting of Parliaments, and their sitting so long as it shall be requisite for the dispatch of those great Affairs for which they  
are

are convened, as that which is our only Bulwark against Arbitrary Power.

Fourthly, That you will endeavour an happy and necessary Union amongst all his Majesties Protestant Subjects, by promoting those several good Bills which were to that end before the last Parliament.

And that till these things be obtained, which We conceive necessary, even to the Being of this Nation, you will not consent to bring any Charge upon our Estates: And We do assure you that We will stand by you with our Lives and Fortunes, in prosecution of the good Ends before recited.

This Parliament beginning where the former left, and being found to adhere unalterably, to the Resolution of rooting out the Plot, and of Excluding the Duke, as the only adequate remedy for all the threatning Evils to the Kingdom; they were, after a very few days Sitting, upon the sudden Dissolved, and followed into their own Countries with a Declaration, (bearing date April the 8th 1681) pretending to set forth the Causes and Reasons that moved the King to Dissolve that and the preceeding Parliament, but really designed to expose

expose and blacken those worthy Patriots; and to that end it was ordered to be read in all Churches and Chappels throughout the Kingdom, which was readily obeyed.

To wheedle the Nation, till it might be noosed, that Declaration, according to the mode of that Reign, spoke and promised fare, tho' the train, was then laid to blow up our Religion, Laws and Liberties: It exhorted us that the restless malice of Ill Men who were labouring to poison the People, might not persuade us that the King did intend to lay aside

† Note, this was after his Fathers Copy, who by a Declaration in the year 1626. to justify his Arbitrary way of Levying Money by way of Loane, said that his Occasions would not give leave for the calling a Parliament, but assured his People, that he intended not to serve himself by such ways to the abolishing of Parliaments, and yet the Nation saw not a Parliament from the 3d to the 16th year of that Reign, vide Rushworth's Collections first Part page 418.

the use of Parliaments; and declared that no Irregularities in Parliaments, should ever make him out of Love with Parliaments. And that he resolved by the Blessing of God, to have frequent Parliaments, and both in and out of Parliament to use his utmost Endeavours to extirpate (he means Establish.) Popery, †

This

This Royal Grace, (or rather *Slan-*  
*der upon one of the three Estates,*) was  
 not only proclaimed from the Readers  
 Desks, but was promulgated from both  
 Pulpit and Press; five days after the  
 emitting this Declaration (*viz.*) April  
 the 13<sup>th</sup> 1681. The virulent and enve-  
 nom'd Pen of *L'estrangle* was set to work  
 upon it, and to vilifie the Evidence of the  
 Plot, Parliaments, nay, the Protestant  
 Religion it self. Addresses with thanks  
 for the violation of our Rights in the  
 Dissolution, and likewise abhorring  
*Parliaments* (*our Bulwark against Ty-*  
*rany*) were obtained and most gracious-  
 ly received, The Presenters thereof be-  
 ing usually honoured with *Knighthood*,  
 and rewarded with Perferment to places  
 of Trust and Profit; By this art the  
 common Cry of a profligate party in e-  
 very corner of England was; *Popery is*  
*better then Presby:ery, at least the Papists*  
*and Dissenters are equally dangerous, if not*  
*all one;* 'tis therefore more then time,  
 that a Colledge be hang'd against a *Picke-*  
*ring*; And the Nation was almost put  
 besides it self, by the doleful Cry of  
*Blood, Blood, Associations, Conspira-*  
*cies,*



cies, Rebellion, Treason, and what not, that was frightful and terrible.

Rome it self could not possibly have ordered matters better for the service of *Holy Church*; the *Protestant Religion* is now mocked, Parliaments derided, the Witnesses of the Plot vilified, and the belief of any other then a *Presbyterian Plot* vanishes.

This proceeding gave new life and heart to the *Popish Conspirators*, and stroke no small damp upon their Prosecutors; of the Witnesses, some were bought off, and others terrified from their Testimony; of which I should recount Instances, but that I have dwelt too long upon the fore-going Melancholly Contemplations.

To proceed therefore to the matter intended, and from which I have too long digressed, Dr Otes the first discoverer of the *Popish Plot*, being no way shaken, but bearing with most undaunted Courage and Constancy, innumerable Reproaches and Slanders from the *Pulpit* and *Press*, nay, and from the *Stage* also, Hell it self seemed to be engaged to discredit and batter down the belief of his Evidence; *Knox* and *Lane*, to blast  
his



his Reputation were employed to accuse him of an unusual, but most heinous Wickedness, that Plot not obtaining, and matters being prepared for placing unmasked Popery upon the Throne, he was condemned in One Hundred Thousand Pounds, for words spoken of the Duke of York, and thereupon secured against the desired season for the Conspirators taking their full revenge upon him.

Upon the 8th of May, 1685. he was brought to Tryal in the Kings Bench Court, upon an Indictment to the effect following (viz.) that Whitebread, Ireland, Fenwick, Pickering and Grove (five Jesuites) were Indicted of high Treason, for conspiring the Death of King Charles the second; and that Ireland, Pickering and Grove were Tryed December the 17th 1678. And that the Defendant gave Evidence, that there was a treasonable Consult at the White-Horse Tavern in the Strand, the 24th of April, 1678. at which Whitebread, Fenwick, and Ireland, and the Defendant were present; and that they there came to a Resolution to Murder the King, and that the Defendant carried the Resolutions from Chamber to Chamber to be Signed by

the Jesuites, whereas in truth he was not  
 present, nor carried any such Resolution to be  
 Signed, and so committed wilful Perjury.

The Jury upon this Tryal, were  
 Sr William Dodson, Robert Beddingfield,  
 Sr Edmund Wiseman, Thomas Rawlinson,  
 Richard Aley, Roger Reeves,  
 Thomas Fowles, Ambrose Isted,  
 Thomas Blackmore, Henry Collyer and  
 Peter Pickering, Richard Howard.

And the Tryal was managed against  
 the Defendant, by

Mr Attorney General,  
 Mr Solicitor General,  
 The Recorder of London. Mr North,  
 Mr Jones, Mr Malley; and Mr Hanses,  
 (L'Estrang's Assistant and Brother Bur-  
 gesses in Parliament for Winchester, both  
 of them being chosen by the direction of  
 Mr Bernard Howard a noted Papist, Bro-  
 ther to Cardinal Howard.)

In the first place Mr Foster, one of  
 Ireland's Jury, swore what the Defen-  
 dant evidenced at that Tryal, (viz.) his  
 being at the White-Horse Consult the 24th  
 of April 1678.

Then the King's Counsel produced a-  
 bout

about twenty *Jesuites* and *Students* of *St Omers*, these all testified that the Defendant came to *St Omers* in *December*, 1677. and went not from thence until *June*, 1678.

Whosoever reads this Tryal, cannot but observe some things worthy noting, as

*First*, The rage of the *Chief Justice*, and extraordinary zeal of the *King's Counsel*, both against the Defendant, and the belief of the *Papish Plot*, (of which more in its due place.)

*Secondly*, The Carelles and tender usage of these Jesuited Sparks, both by the Court and Counsel; their Evidence was received without the least Interruption, not one cross, thwarting, or doubting question being put to any one of them, nay, there did not appear so much temper as to permit the Defendant to propose his questions to them, which made him with undaunted Courage cry out, That his defence was under a very great prejudice, and that there was a turn to be served, and therefore he was not admitted to ask the Witnesses questions; And said, I do verily believe, That at this rate, it is more

*safe for Papists to be Traitors, than for any Protestant to discover a Popish Plot.*

*Thirdly, The harmony and uniformity of their Evidence, which was so extraordinary, that any indifferent Reader must judge, that they were instructed by their Tutors before they came from St Omers, and had oft conn'd their Lessons by the way, for they did to admiration agree in swearing to particular days, and to most minute and trivial things, as to the day of playing at Nine-Pins, of a Ball being stroke over a Wall, and the like.*

*In the next place, to insinuate that the Defendants Evidence was not always true and credited; the King's Counsel produced the Earl of Castlemain, and Sr George Wakeman, who decreed that what he swore against them at their Tryals was false.*

*Here the Chief Justice observing the Defendants undauntedness, said, I wonder to see any one that has the face of a Man, carry it at this rate, when he hears such Evidence brought against him; To which the Defendant reply'd, (very well) I wonder Mr Attorney will offer to bring this Evidence, Jefferyes (whose Character*  
with

with King Charles the second was, that he had the Impudence of ten Catted Whores) in a raving fit retorted, such Impudence was never seen in any Christian Nation, you are a shame to Mankind, to which the Defendant's Reply was; No my Lord, I am neither a shame to my self, nor to Mankind; what I have sworn is true, and I will seal it with my Blood if occasion be; *Ab, Ab, my Lord, I know why all this is, and so may the World, but this will not do the work to make the Plot to be disbelieved, things are not to be done by great Noises, I will stand by the Truth.*

The Defendant in his defence observed, that the Indictment against him was six years after the pretended Perjury; That the Witnesses against him were some of those who gave Evidence at the Tryal of the five Jesuites, and tho' there were some fresh Witnesses that they did evidence the same thing that was then offered, but the Testimony rejected, tho' then, and also at Langhorn's Tryal, sixteen St Omer's youths were brought to falsifie his Evidence; He further observed very pertinently, that *Whitebread* and *Fenwick* were present, and heard the whole of the Evidence given by him

upon the Tryal of *Ireland*; that they were Tryed six Months after, and in that time might have provided Witnesses to falsifie his Evidence, they knowing what it was.

He urged that his Case was hard, his Testimony having been received with credit, *And the Jury upon convicting the Jesuites, being told by the Court, That they had found an unexceptionable Verdict, That all the Objections against the Evidence were then fully answered, that there was nothing that the Prisoners had been wanting in, to object, which could be objected, and that the thing was as clear as the Sun;* And that yet after six years he must be called to an account for Perjury in that Testimony, of part of the *Popish Plot*, with which the King and Kingdom, four successive Parliaments, all the Judges of the Land, and three Juries were so well satisfied.

He further observed the several attempts to baffle his Testimony, (*viz*) the Murther of *Sr Edmundberry Godfrey*, who took his first Depositions, and the contrivance of *Payne, Farewell and Thompson*, to make *Sr Edmund Felo de se*. Then he produced these Witnesses, (*viz.*)

*Cicilia*

*Cicilia Mayo*, who swore that she saw *Dr Otes*, at *Sr Richard Barker's* House in *Barbican*, the latter end of *April* or the beginning of *May* 1678, and that he came again thither within a few days, and was frequently there; That she remembered the time by a particular circumstance (*viz.*) her Master *Sr Richard Barker's* being sick all the Month of *April*.

All imaginable art was employed by the Chief Justice, and the King's Council to perplex and confound this, and all other the Witnesses for the Defendant, by impertinent and puzzling cross questions; but she honestly and very boldly stood to it, telling *Jefferies*, that her Evidence was the Truth, and nothing but the Truth; to which he in a scoffing taunting way replied, *Ay, no doubt of it, thou swearest nothing but the Truth.*

She further added, that the Defendant came in a disguise, in a white Hat and coloured Clothes; and went to *Sr Richard's* Ladies Sister, *Madam Thoroold* (now in *Wales*) who said to him, *Mr Otes*, I hear you are turned *Jesuite*, and We can have no Society with you now: That a Servant of *Sr Richard's*, one *Ben-*



*Janine Timber* (since dead) saw him at those times, and told her that he was turn'd Jesuite. That he Dyed with *Dr Cocket* and *Middam Thorold* (both now in *Wales*) and with her two Sons (since dead) and two Daughters (now in *Lincolnshire*) at *Sr Richard Barker's* House three or four days after his first coming to the House in the latter end of *April*.

*John Butler*, Servant to *Sr Richard*, witnessed that *Dr Ores* came to his Masters in disguise, in the beginning of *May* before the Plot broke out; hereupon *Jefferies* demanded how he could be able to swear to the precise time, and vexed him with repeated questions, & the demand of reasons for his remembering the month, (tho, by the way no such question was put to any one of the twenty *St Omers* Witnesses) to which *Butler* answered, that he was called to witness it about six or seven Months afterwards, at *Ireland's* Tryal; that he remembered the time by the token that in *May* *Sr Richard* was sick at *Purney*, whether he went the latter end of *April*, and stayed a fortnight.

The *Solicitor General* endeavoured to confound this Witness with abundance of Questions very little to the purpose,

purpose; and *Jeffries* (with little reason) called his Evidence a wild Story without Reason. Upon which the Defendant said, Truly, my Lord, I do not find you were so strict in the examination of the *St Omers* Witnesses, or bore half so hard upon them as you do upon my Witnesses.

Mrs *Mayo* being again and again interrogated and thwarted with apparent design to confound her, did declare that she did see Dr *Otes* in *May* 1678. and that she spoke nothing there but as in the presence of the Lord: Upon which *Jeffries* said, *We are all of us in the presence of the Lord always*; and she retorted, And shall answer before him for all that we have done and said, all of us, the proudest and the greatest here.

*Philip Page* swore that he could not remember the precise time, but that Dr. *Otes* came to Sr *Richard Barker's* in a disguise, when Sr *Richard* was sick at *Putney* (whereupon the Defendant did well observe that the *St Omers* men did swear through-stitch, but that his honest Witnesses were cautious, it being so long ago.)

Mr

Mr *W. Walter* a Minister, swore that he met Mr *Otes* between *St. Martins Lane* and *Leicester-Fields* in a strange disguise, and that he did then observe the Elm-Trees in *Leicester Fields* budded forth as big as Hazel-Nuts, so that by that token he reckoned it was between *Lady-day*, and the latter end of *April*, and that it was near a Year and a Quarter before the time when he was examined about this matter at the Tryal of the five Jesuits, which was the 13th of *June*, 1679.

The *Attorney-General* called these Canting Witnesses that beat about the Bush, and spoke of Uncertainties.

Then the Defendant proceeded in his defence, and offered these Objections to the Validity of the Evidence brought against him.

1. *That a Papist in a Cause of Religion is not to be received and believed as a good Witness; (and this case did surely require Witnesses above all possible Objections against their Testimony.) But*

Here Judge *Wythens* interposed, saying, *Is not a Papist as good a Witness as a Dissenter.*

Which was answer'd by citing *Bulstrode's*

*Brode's Reports, part 2. 155. viz. A Popish Recusant is not to be admitted a Witness between party and party; which was also my Lord Cok's opinion.*

*Wythens replied, May a Presbyterian be a good Witness, Mr Otes? and Holloway (who had help'd the Blood-hounds to murder Stephen Colledge) said, Or would Mr Colledge have been a good Witness, Mr Otes?*

*Most certainly by the rules of Law, the Testimonies of these Persons ought not to have been offered in this Case to delude the People. And it may be well observed here, as it was lately in relation to the Popish Witnesses about the Birth of the pretended Prince of Wales; That the Civil Law so fully concurs with our Common Law in rejecting Enemies to be Witnesses in the Cause of their Enemy, that it denyes credit to what they may testifie in the cause of their Enemy with their dying Breath after they have received the Eucharist. That is the general Conclusion of the Doctors of the Civil Law, Inimicus etiam si in Articulo mortis constitutus & accipisset Eucharistiam repellitur a Testimonio Cause sui Inimici.*

*Objection 2. To the Testimony of the Seemers Witnesses was their education, bred*

up in a Seminary against Law. To which Jeffryes answered, Every Man that is bred a Dissenter is bred up against Law. Whereupon the Defendant saying, My Lord, I have not offered any Dissenter as an Evidence for me. Jeffryes in a reproachful manner retorted, No, they are all of them no doubt of it, very good People; Good-Wife Mayo and her Companions, excellent Protestants without all question.

Object 3. *The Statute 27 Eliz. cap. 2. entituled An Act against Jesuits, Priests, and other such like disobedient Persons.* Which Act makes it Treason for any Jesuit or Ecclesiastick Person of the Romish Church to come into England. And the Statute 3. Car. 1. Cap. 2. whereby it is enacted, That in case any Person shall go into parts beyond the Seas, and be resident or trained up in any Priory, Abby or Popish University or Schoole, he shall be disabled to sue, or to be an Executor or Administrator, or capable of any Legacy or Deed of Gift, or to bear any Office, and shall forfeit his Goods, and also his Lands for his Life.

Object. 4. *The Judgments of Papists in case of Conscience,* whereby they maintain the

the vilest Wickedness to be lawful for the Churches Service: and they own They have Dispensations to swear Lyes for promoting the Catholick Cause.

Object. 5. *What was said and done in the Earl of Shaftsbury's Case at the Sessions in the Old-Bayly and Hickes-Hall.* It was there moved for Liberty to bring Indictments of Perjury against the Witnesses who accused him of Treason, but those Motions were over-ruled, because they would not have the King's Witnesses indicted of Perjury, nor the Popish Plot called in question.

These Objections receiving no other answer from the Bench, then that all was trifling and idle; and being so huff'd off, the Defendant proceeded to speak to this effect,

*My Lord, this I say. The Evidence upon which I am indicted, is the same which was delivered six Years ago at Whitebread's and Langhorn's Tryals, where were sixteen Witnesses against me, but what credit did they then receive? Now if my Evidence was then to be believed, though opposed by so many Witnesses, what new objection doth rise against it, which was not then hinted and answered. — I do avow the Truth*

Truth of the Popish Plot, and will stand by it whilst I live——I have called some Noble Lords to testify for me, but I find either the distance of time has wrought upon their Memories, or the difference of the Season has changed their Opinion——

——Was ever Man dealt with as I am, or had such Evidence offered against him? Who are the Witnesses to prove this Perjury, but Youths out of a Seminary? My Lord of Castlemaine and Sr George Wakeman, known Papists? As for Castlemaine, all the World knows he was acquitted, because there was but one Witness against him, and that without any reflection by the Lord Chief Justice Scrogs upon my Testimony. Then Wakeman swears all I said against him was false, whereas had it not been for two dishonest Persons, one of them (meaning Graham) I have now in my sight, we could have proved 3000 l. of the Money paid to him, and that he gave a Receipt for it. But my Lord this I am sure of, if I had been a Witness against those who suffered in the late Fanatick Plot (as 'twas called) I had never been called in question, if my Evidence had been false; but 'tis apparent the Papists have now a turn to serve, and these St Omers Youths are brought to falsify my Evidence,

and



and to bring off the Lords who stand impeached of high Treason for the Popish Conspiracy——— My Lord, 'tis not me they indict, but the whole protestant Interest is aimed at in this Prosecution——— For my own part I care not what becomes of me, the Truth will one time or another appear.

Then Mr Solicitor in a long Harangue gave great Reputation to the St Omers Witnesses, and then told the Jury, that the Defendants Witnesses were these four, *Cicely Mayo, Butler, Page and Walter*, the Parson; and that he would first mention *Page and Walter*, and set them out of the way: *Page* (says he) remembers to have seen *Oates* in a disguise at *Sir Richard Barker's*, but he is not certain as to the time; and he cannot take upon him to say what time of the Year, or what Year it was, only he believes it was in *May*; and therefore that can be no sufficient evidence to contradict Witnesses, that with great particularity speak to certain times. As for *Walter* he cannot remember the time when, neither: Nay, the remembrance he has of it goes rather to another time, then the time in question, for being ask'd what circumstance he knew the time

time by, he said it was about a year and a quarter before the Plot was discovered; which must be in April or May 1677, and that will do the Doctor no service at all upon this question; thus Mr Solicitor.

For tryal of this learned Gentleman's Sincerity, I shall review the Evidence given by these two Persons, that the Reader may make his Judgment how fairly they were set out of the way. To Page did indeed declare, that he could not be positive to the Year or Month, but that to the best of his remembrance 'twas in the Year 1678, and in the beginning of May (this was like an honest conscientious Witness) but what he further testified, did evidently shew the time to be in the beginning of May 1678. For besides his mentioning the Doctors coming in disguise, according to the evidence of Mrs Mayo and Butler he declared that it was at the time when Sr Richard Barker was ill at Putney, and that Sr Richard came to Town soon after, and Mrs Mayo and Butler swore expressly that the time of the Doctors coming in disguise, was when Sr Richard was sick at Putney, and that that was in the end of April or beginning of May 1678.

As,



Dodson and his Brethren of the Jury, with the complement, that to his knowledge they are Persons of great understanding and abilities; and adds, that Mr Solicitor had shortened his Labour, by the pains he had taken, to sum up the Evidence to them, which he concluded he had without doubt done, with all faithfulness to his Master.

He then proceeds to blacken the Defendant with all the foul Language that Malice could suggest, and tells his old Friends of the Jury, (whose acquaintance with him disposed them to credit him) that the Popish Plot was a sham, and that under the pretence thereof, another black and bloody Conspiracy was carried on: Then he magnifies the evidence against the Defendant, both from the number of the St Omer Sparks, no less than twenty, but also their harmony: and he affirms, that against the credit of their Testimony, there was no objection really made, but only Impudence; that the Defendant had produced but two positive Witnesses, & that they were likewise positive in their contradiction of one another; that they swore according as their humour led them, and not according to any remembrance they had of  
the

the thing; and that he rather believed it, because the third Witness, Page, gave an evidence contrary to both of them, (*how notoriously false these malicious Suggestions are, will evidently appear upon the perusal of what these three honest and plain-dealing Witnesses swore.*)

Then he comes to the Defendants fourth Witness, Mr *Walter*; and positively affirms, that he says nothing to the matter, for that it did plainly appear, the time which he speaks of, was about a year and a half before the five *Jesuits* Tryal, which must be in 1677, before the Defendant went to *St Omers*.

Mr *Solicitor* told the Jury, that Mr *Walter* spoke of a year and a quarter before the discovery of the Plot; had that been true, it had run it back to the year 1677, and to a time before the *Dodder* went to *St Omers*. His Lordship makes Mr *Walter* to speak of about a year and a half before the *Jesuits* Tryal, which runs it back to December 1677; and then the King's celebrated Witnesses and Mr *Walter* are agreed; but Mr *Walter*, (*speaking for himself*) says, the time was near a year and a quarter before

the Tryal of the Jesuits, which brings us to April 1678.

Though the Chief Justice and Solicitor were not agreed in this matter, yet they would not quarrel about it, provided the *understanding Jury* would credit either of them, against Mr *Walter*, and so serve the turn they aimed at, the baffling the credit of the *Popish Plot*; and not allow this Witness to be serviceable to the Vindication of Dr *Otes*.

Upon the following day after this Tryal, Dr *Otes* was tryed upon an *Indictment* for another supposed *Perjury*, but that prosecution being of the Complexion with what is here presented, I shall not trouble the Reader with any thing further upon this subject, then to present him with the Names of the Jury (*viz.*)

Sr Thomas Vernon,	George Tory And
Nicholas Charlton, Esq;	Hen. Loades, Tory Also
Tho. Langham, Esq;	John Midgley,
Thomas Harrop,	John Pelling,
Francis Griffith,	Thomas Short, and
John Kent,	George Peck,

The *Juries*, having according to the direction of that Man of Blood *Jeffries*, brought in the Defendant guilty of both the



the Perjuries ; Comes the *Abhorrer of Parliaments*, the tender-hearted good natured Protestant Judge *Wythens*, to pronounce the Sentence ; previous to it he tells the Defendant, That no *Christian's Heart* can think of the *innocent Blood* which was shed by his Oath, without bleeding ; That every knowing Man believed, and every honest Man grieved for it : He proceeds, *God be thanked, our Eyes are now opened*

This very Person *Wythens* being Counsel for *Knox*, did declare openly in the Court of *King's Bench* that *Dr Oates* had served the Nation too well to be vilified in that Court.

*DEAR SIR* You had not one Word to justify your self from that great and heinous Perjury you were accused of [ *transcendant Impudence.* ]

The Judgment of the Court (*inter alia*) is, You shall upon Wednesday next be *Whipt* from *Algate* to *Newgate*.

Upon Friday you shall be *Whipt* from *Newgate* to *Tyburn*, by the Hands of the common Hangman.

This I pronounce to be the Judgment of the Court upon you, and I must tell you plainly, *If it had been in my power to have carried it further, I should not*



have been unwilling to have given Judgment of Death upon you.

I shall sum up all, with the sense of the present House of Commons upon this whole proceeding, which take in this Vote;

*Mortis 11th die Junij 1689.*

Resolved, That the Prosecution of Titus Oates upon two Indictments for Perjury in the Court of King's Bench, was a design to stifle the Popish Plot, and that the Verdicts given thereupon were corrupt, and that the Judgments given thereupon, were cruel and illegal.

Notes upon the Tryal of Nathaniel Reading Esq; for attempting to stifle the King's Evidence as to the horrid Popish Plot; upon Wednesday, the 24th of April 1679. before the Lord Chief Justice North, &c.

**T**HE Conspirators against our Religion, Laws and Liberties, being struck with astonishment, and the Imprisoned and Impeached Traytors with  
no

no small Terror, at the most providential and happy accession of Captain *William Bedloe's* Testimony, to the discovery made by *Dr Otes* of the hellish Popish Plot, in which he had stood single, & much discouraged, we do quickly find their thoughts at work how to remove this newly acquired Witness. Their way of taking off *St Edmundsbury Godfrey*, having so highly dis-served their Cause, that is not to be again practised, therefore, the resolution taken in the present case is, to tamper with and buy off Captain *Bedloe*, & they pitched upon *Mr Reading* to carry on this Intrigue, whose parts and principles did very well qualify him for such an undertaking, but *Mr Bedloe*, being above the reach of very powerful Temptations, he very honestly; detected the villainous Attempts upon him, and the *Suborner* was brought to Justice as follows:

The Indictment sets forth the Plot against the *King*, the *Government* and the *Protestant Religion*, and that *Colman*, *Ireland* and *Grove* were tryed, condemned and executed for the same. That several *Lords*, viz. the *Earl of Powis*, *Lord Viscount Stafford*, *Lord Bel-*  
*lasis*,  
 D 4

lasis, Lord Arundel of Wardour, Lord Petre, and also Sr Henry Titchbourn stand impeached of the said Treason: That Reading well knowing these things, and to obstruct and stifle them, and to retard the prosecution of Justice against the Lord Powis, Stafford, Bellasis, Petre, and Sr Henry Titchbourn, did, on their part, the 29th of March last, solicit, suborn and endeavour to perswade Mr William Bedlooe, whom he knew to have given Information of those Treasons against the said Persons, to lessen, stifle and not to give in evidence the full truth against them, and to give such evidence as he should direct, and to that purpose did give him fifty six Guineas, and promised him other great Rewards, to the hindrance and suppression of Justice.

The Jury were these;

Sr John Cutler,  
Joshua Galliard,  
Edw. Willford;  
Tho. Henslow,  
Thomas Earsey,  
John Serle,

Esquires.

Thomas Cast,  
Rains. Waterhouse,  
Mathew Bateman,  
Water Moil,  
Richard Pagger,  
John Haines.

Esquires.

The King's Counsel were,

Sr Creswell Levens,

The Attorney General,

Mr Ward.

The

The evidence of this practice & subornation, was very clear and full, particularly Mr *Bedloe* witnessed, that *Reading* had often treated with him about mincing his Evidence for the bringing off the Lords, and Sr *Henry Titchborne*, and gave him Money at several times, and did draw up a Paper of what *Bedloe* should swear, and did carry it to the Lords in the Tower, to be viewed and corrected by them: Mr *Speke* testified that *Bedloe* had from time to time informed him how the Treaty was carried on; that upon the 29th of March 1679. Mr *Speke* and *VViggins* *Bedloe's* Servant, being concealed in his Chamber, Mr *Reading* came, and in the first place asked whether any body could hear their discourse, and being assured that he was secure and secret, he told Mr *Bedloe*, upon his demand, what the Lords in the Tower said, and what my Lord *Stafford* said, that as to my Lord *Stafford*, he should be sure of the Estate in *Gloucester-shire*, which had been promised to be settled upon him; for my Lord had ordered him to prepare a blank Deed, which within ten days after his Discharge, should be perfected; and the rest of the  
Lords

Lords did assure him, that after they were acquitted, in proportion to the service he did them, in lessening of his Evidence, he should have a plentiful Reward.

That *Bedloe* did then demand to have something under their hands, but *Reading* said, that they think that not convenient, but I do take their Words, and you must take mine; and then promised to go to the Lords in the Tower against Munday, to prepare and bring him the Instructions from them for his Evidence.

*Mr Speke* added, that upon the Munday morning, he was to watch and see the Delivery of the Paper, and did see *Reading* put it into *Bedloe's* hand, in the painted Chamber, who immediately delivered it to *Mr Speke*: This Paper was all of *Mr Reading's* writing, and being read in Court, was found to contain the purport of the Evidence to be given against the Lords, and was so ordered that the whole was only hear-say, and could no way touch them.

*Wiggins* agreed with *Mr Speke*, in the Evidence given, of the Transactions between *Mr Bedloe* and *Mr Reading*, in *Mr Bedloe's* Chamber.

*Reading*

*Reading* coming to make his Defence, offered nothing against the credit of the Witnesses, but did, in effect, confess all they had testified, and the whole matter charged in the Indictment, and in truth he was the greatest witness against himself, as was well observed, after he was found guilty; by the Right Honourable *Sr Robert Atkyns*, then one of the Judges of the Common-Pleas, (but soon after thrust out for non-Compliance with *Sr Francis North*, then Chief Justice, and is now most deservedly *Lord Chief Baron* of the *Exchequer*, and *Speaker* of the *House of Lords*.)

The *Jury* having brought him in guilty, he was fined 1000*l*. adjudged to 2 years Imprisonment, and to be set in the Pillory upon the munday following, for the space of one hour, in the Palace-Yard in *Westminster*.

When the late King *James* ascended the Throne, he was a particular Favourite, and his Suffering in this matter was well rewarded.

It may not seem impertinent, to present the Reader, upon this occasion, with so much of *Captain Bedloe's* solemn Death-Bed Declaration, as the *Lord Chief Justice North*



North allowed the World to see, His Lordship was pleased to acknowledge, that he took *Captain Bedloe's Examination* upon Oath at *Bristol*, upon the 16th of *August* 1681. And that he declared, that the Duke of York had been so far engaged in the Plot, that there was no part that had been proved against any Man that had suffered, but he was to the full guilty of it; all but what tended to the Kings Death, from the trouble whereof the Jesuites had undertaken to deliver the Duke. And his Lordship added, that Mr. Bedloe told him he lookt upon himself as a dying Man, and that he must shortly appear before the Lord of Hosts, to give an account of all his Actions; and that, because many persons had made it their business to baffle and deride the Plot, He did for satisfaction of the World there declare, upon the Faith of a dying Man, and as he hoped for Salvation, that whatever he had testified concerning the Plot was true; and that he had many Witnesses to produce, who would make the Plot as clear as the Sun. That the Jesuites had resolved the King's Death, and would spare him no longer, than he continued to be kind to them; And that they resolved to set up an Head for their Cause here, whatever came



of it; and said, that if they should slip the opportunity they then had, they should never have such another.

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Notes upon the Tryal of *Thomas Knox* and *John Lane*, for a Conspiracy to Defame and Scandalize *Dr Otes* and *Mr Bedloe*, thereby to discredit their Evidence about the *Papish Plot*; At the *Kings-Bench Bar* at *Westminster*, upon the 25th of *November*, 1679.

The Judges then upon the Bench were,  
*Sr William Scroggs*, Lord Chief Justice,  
*Sr Francis Pemberton*, and  
*Sr Thomas Jones*.

**T**He unlucky miscarriage of *Reading's* attempt, to corrupt the *King's* Evidence, or to overthrow the credit of their Testimony, deterred not others from prosecuting so pious a work; for that is instantly succeeded by the cursed Conspiracy of *Knox*, and of *Lane*, and *Osborne*; the one lately, the other at that

that time a Servant to Dr Ows, but Justice overtook them; as the following Scheme of their Tryal shews.

The *Indictment* being read, upon their pleading not guilty, the following Jury was sworn.

Sr John Kirke, Kt.  
Thomas Harriot,  
Henry Johnson,  
Simon Middleton,  
Hugh Squire,  
Francis Dorrington,

John Roberts,  
R. Waterhouse,  
Thomas Earsby,  
Joseph Ratchiffe,  
James Supple,  
Richard Cooper.

The King's Counsel were  
Mr Attorney General,  
Mr Solicitor General,  
Mr Serjeant Maynard,  
Sr Francis VVinnigton,  
Mr VVilliams,  
Mr Thomas Smith, &  
Mr Trenchard.

For Knor,  
Mr Saunders,  
Mr VVithens, and  
Mr Scroggs.

For Lane,  
Mr Holt, (assigned  
by the Court.)

The *Indictment* (opened by Mr Trenchard) was, that whereas Colman, Ireland, Pickering and Grove, conspired to destroy the King and change the Religion Established by Law; & to introduce Popery, and were thereof Convicted, Attainted and Executed; And whereas the

Lord

*Lord Powis, Lord Arundel of Wardour,* and others were accused of those Treasons, and Impeached for the same in Parliament, &c. The Defendants knowing Mr *Otes* and Mr *Bedloe* had given Information of these Treasons, to stifle the Evidence and scandalize them, did conspire to represent them as wicked Persons, and of no credit. And the Indictment further sets forth, that *Knox*, with the agreement of *Lane* and *Osborne*, caused Letters to be wrote, with contrivance to accuse *Otes* and *Bedloe*, that they had conspired falsely to accuse the E. of *Darby*. And that *Otes* had attempted to commit *Sodomy* with *Lane*: that, to effect those wicked designs, *Knox* gave several sums of Money to *Osborne* and *Lane*, and had promised great Rewards to them.

Then the Cause was opened by that most incomparable Person (*the honour of the Law*) old *Sr John Maynard*, (now first Lord Commissioner of the great Seal, whose Ability, Integrity and Desert, have kept him from a Seat upon the Benches of *Westminster*, till about the eighty eighth Year of his Age; when Heaven set the Law free) he spoke to this effect;

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This Cause is of great consequence ; there hath been an horrid and abominable *Conspiracy*, against the *King*, the *Nation*, our *Religion* and the *Law* : The first discovery of this *Conspiracy* came from a single Person, who stood single and discouraged a long time, and there were endeavours to discourage his further discovery, when it stood so. Sr *Edmundbury Godfrey* having taken his Examination, then the endeavour was to suppress it, and that by no less a wickedness then the barbarous Murder of that honest Gentleman ; that being accomplished, they strived to baffle and defame him when dead. All this while he stood single ; it fell out, by the mercy of God, that *Bedloe* made a further discovery, and publick Justice has gone upon it.

Then they attempted to corrupt his Testimony with Bribes and Rewards, and *Reading*, who transacted it, is attainted of it, *scelere tutandum est scelus*.

Having gone all these ways, they return again to see if they can disgrace and baffle the Evidence of *Otes* and *Bedloe*, by scandalizing them, with foul offences, especially *Dr Otes* ; and that

was

was thus, *Knox* tampered with *Lane*, a Servant to *Otes*, to accuse him of the Horrid Sin of *Sodomy*: In order to it, there were Letters wrote by *Osborne*, who is run away, but contrived by *Knox*.

It happens in this case as it did long ago; as the *Historian* told us, *multi ob stultitiam non putabant, multi ob ignorantiam non videbant, multi ob pravitatem non credebant, et non credendo conjurationem adjuvabant.* To this *Sr Creswell Levens*, the King's Attorney-General added, This is a counter-part of *Mr Reading's Case*, only it seems in this to differ, that it exceeds the Original.

In the proceeding upon the cause, it was proved that *Lane*, upon his first coming to *Dr Otes* in November 1678, had a design to accuse him, as he afterward did, of *Sodomy*, a Crime above the common standard of Villanies; That he declared whilst he was with the Doctor, that he hoped in a short time to get 1000*l.* That *Lane* sent for *Sr William Waller*, that he might confess the whole Contrivance to him, declaring that he was pricked in Conscience for the false Oaths he had taken.

That *Lane* and *Osborne* had confessed  
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before a Committee of the House of Lords (and also before *Sr William Waller* and *Justice Warcup*) that they were suborned by *Knox* to swear falsely against *Dr Otes* and *Mr Bedloe*, and that he had given them money to do it. That *Knox* made *Lane* and *Osborne* swear Secrecy, and to stand fast to the Instructions he had given them. That he went to the *Sugar-Loaf* in *Pickadilly*, and took Lodgings for them, and lay there with them, and promised them Money and Preferment; and told *Lane* that he need not doubt but the *Lords* in the *Tower* would acknowledge their Kindness.

That *Lane* and *Osborne* said, they were going from *Dr Otes*, that they were sworn Brothers, if the one did go, the other would; and they should get Preferment and have 100 *l.* per annum, and 500 *l.* in Money.

As to *Knox* his endeavours to blast the Testimony of *Dr Otes* and *Mr Bedloe*, it was proved, That

*Knox* endeavour'd to suborn *H. Wiggins* to accuse *Mr Bedloe*, his Master. That he proposed to *Thurston*, a Servant to *Dr Otes*, to be very kind to him, if he could find any thing to Swear against his

his Master. That *Knox*, to invite *VViggins* to betray and accuse *Mr Bedloe*, said, The King knows *Otes* and *Bedloe* to be great Rogues, and when he has got what he can out of them, he will hang them up. That when *Knox*, *Lane* and *Osborne* were Prisoners in the Gatehouse, for this contrivance; *Knox* offered the *Under-Keeper* a Reward to allow him to correspond by Letters with *Lane*, and gave him three half Crowns, desiring him to speak to *Lane* to stand fast to him, and *then they should be two against one*; for he fear'd *Osborne* had betrayed them about the business of *Dr Otes*; That *Knox*, and *Lane*, and *Osborne* went to *Justice Dewy*, and *Knox* told him, he was advised to come to him to take an Information against *Dr Otes*; and that they went to *Justice Cheyney* upon the same errand. That *Lane* had been kept the last Summer at the *Lord Powis* his house, & had 10s. per week allowed him. That *Knox* was to have 30 or 40 l. to carry on the business, and that *Knox*, *Osborne* and *Lane* were to be rewarded by the *Lords* in the Tower, for their evidence against *Dr Otes* and *Mr Bedloe*.



That *Lane* being taken, *Knox* sent for *Osborne*, and carried him in a Coach to *White-Fryers*.

That the Papers relating to the *Conspiracy* were delivered by *Knox* to *Dangerfield*, and went about to the *Lords* in the *Tower*, and afterwards to *Nevil* alias *Paine*; and were by him amended, and then delivered to *Knox* again.

The Case appearing so very clear upon the Evidence, the *Jury* without going from the Bar found the Defendants guilty. Whereupon they received this merciful Sentence; *Knox*, the principal, (who is now at this day in a better station (at Court) than ever he was in his Life, or could ever have hoped for) Fined two hundred Marks; to be Imprisoned a year, and to be bound to the good behaviour for three years; *Lane* fined one hundred Marks; to stand once in the Pillory, and to be Imprisoned a Year.

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Notes upon the Tryal of *John Tashborough* and *Ann Price* for Subornation of Perjury, in endeavouring to perswade *Mr Stephen Dugdale* to retract and deny his Evidence about the *Popish Plot*, with an intent to stifle the further Prosecution of the same. At the *Kings Bench*, upon the third of *February 1679*, before *Sr William Scroggs*, *Sr Thomas Jones*, *Sr William Dolben*, and *Sr Francis Pemberton*, Judges of that Court.

The Jury were,

<i>Thomas Harriot,</i>	<i>Edward Willford,</i>
<i>Tho. Johnson,</i>	<i>Richard Bull,</i>
<i>Char. Umphreville,</i>	<i>Joseph Ratcliffe,</i>
<i>Tho. Earsby,</i>	<i>Richard Cooper,</i>
<i>Richard Pagget,</i>	<i>James Supple,</i>
<i>John Greene,</i>	<i>George Read.</i>

THE suborning attempt of *Knox* & *Lane*, was succeeded by another of the like nature, carried on by two

Popish Engines, Mr *Tasborough* and Mrs *Price*; which being likewise happily detected, they were prosecuted as follows;

The Indictment was to this effect, That *Whitebread*, *Harcourt* and *Langborne*, and others, were convicted and attainted for Treason, and that *Dugdale* had been a material Evidence against them, and the Defendants knowing this, and contriving to stifle the evidence of those Treasons, did before *Harcourts* Tryal, suborn and endeavour to perswade *Dugdale*, not to give evidence against him, and after the Tryal solicited him to retract the Evidence he had given; and promised him large Rewards for it; and to accomplish it, they incited him to withdraw and retire himself, and produced a Note which he was to sign, which follows in these words, *Being touched with a true Remorse of Conscience, and hearty sorrow for the great e'l I did, in coming in a Witncss against the Catholicks, and there speaking things which I know in my Conscience to be very far from the Truth, I think my self bound in duty both to God and man, and for the safety of my own Soul, to make a true*  
*Decla.*

declaration, how I was drawn in to this wicked action : But being very well satisfied that I shall create my self many powerful Enemies upon this account, I have retired my self to a place of safety, where I will with my own Hand discover the great wrong that hath been done the Catholicks, and hope it may gain belief : and likewise, I protest before Almighty God, that I have no motive to induce me to this Confession, but a true Repentance for the Mischiefs I have done, and hope God Almighty will forgive me. And they promised him great Rewards to sign this Note. To this Indictment they pleaded not Guilty.

The King's Counsel	For Tasborough,
were,	Mr Pollexfew,
Mr Serjeant Maynard,	Mr Scroggs,
Mr Attorney-General,	Mr Thompson,
Solicitor-General,	For Price,
Mr Belwood.	Mr Saunders,

Mr Serjeant Maynard observed to the Jury that this practice was not new, and minded them of what Reading, and what Knox and Lane did, and that this was the third Cause of that Kind, and it went somewhat further then the two former ; for this was to be done in writing, and subscribed by Dugdale to be

produced upon occasion, to defame all the Evidence; the Witnesses being then called, *Dugdale* testified that he had been long acquainted with *Mrs Price*, and that before *Harcourt's* Tryal, she desired him to be kind to *Harcourt*, because he had been her Confessor; and *Mr Wright* testified that he over-heard her make this request to *Dugdale*; and that *Dugdale*, upon their parting, told him (upon his enquiry what she said to him) that it was to take off his Evidence against *Harcourt*.

*Dugdale* further testified, that she treated with him for to retract his Evidence, and to be gone, and to leave the Paper behind him, to signify the trouble in his mind, for the wrong done in his Testimony: To this he is invited by the promise of 1000 l. of a Pardon for Body and Soul, and assurance of Security abroad.

That *Dugdale* acquainted my Lord of *Shaftsbury*, *Mr Hambden* and *Mr Charleson* with this; who advised him to get some Persons to be by, when they further treated about this business, which he did.

That *Mrs Price* told him, that the Duke of York had a wise Council, and contrived

ved it so, that if he would come over

\* Note this, of Hanging the Witnesses is the same Argument used by *Knox* in his tampering with *Lane* and *Osborne*, and it evinces, that by the common consent of the Conspirators, some of the Witnesses were to be corrupted, & those who were temptation proof, to be scandalized and hanged.

to them, there would not a *Papist* more suffer; that the *Witnesses* should in a short time be hanged, \* The *Plot* should be turned on the Protestants, & *Poper*y should be established in half a Year.

That *Mrs Price* brought *Mr Tasborough* to him, who told him that all that *Mrs Price* had proposed & promised to him, should be perform'd; that he must sign the Paper; be gone, and give no more evidence; and he should have protection, pardon and security; and That *Tasborough* transacted all this in the *Duke of York's* Name.

*Dr Chamberlain* testified, that he was in a Closet in *Dugdale's* Chamber, and that *Mrs Price* came into the Chamber, and he heard their Discourse; and she told him, that the *Spanish Ambassador* was unwilling to treat with him, because he must use an *Interpreter*, which would be dangerous. That she perswaded him to be gone,

gon, and the *Duke of York* would protect him, pardon him, and give him 1000 *l.* and that then *Dugdale* said to her, You know *Mrs Price* that I began not this Intrigue with you, but you proposed it to me, which she owned ; That upon *Dugdale's* demanding of her how the 1000 *l.* should be secured ; She said she would in a Weeks time bring a Person of quality, who should secure it to him.

*Mr Cleave*, who was in the Closet at the same time, testified to the same effect with *Dr Chamberlaine* ; and added, that *Dugdale* asked her when he should go to the *Spanish Ambassadour* ; and that *Dugdale* told her, he well liked her offer of bringing a person of Quality to secure the 1000 *l.* and she then said, you shall have the *Duke of York's* Protection, and a Pardon, not only for your Body but your Soul ; a large Proffer ?

That *Dugdale* told her, that his coming over to them, and going away, would signifie little, there being *Dr Otes* and others to go on with the Evidence : To which she answered, We do not care so much for them, for the *Duke's* Eye is only upon you.



Sr Robert Southwell, Sr John Nicolas, and Sr Thomas Doleman, Clerks of the Council, testified, that Mrs Price, being examined before the Council the 23d of October, and being demanded who fram'd the Paper for her, set forth in the Indictment, she said, that she studied it, and indicted it her self.

That Mr Tasborough being asked about the Paper, spoke very cautiously; that he did not positively say he had pressed Dugdale to sign it, but told him, unless he signed it, he could not proceed to get any favour for him, for that was to testifie him to be a Penitent.

Mr Crosse testified, that Mrs Price spoke to Dugdale not to proceed further against Parson's (a Priest in the Gate-house) than he had done.

The guilt of the Defendants being thus clearly made out, and nothing material offered in their defence; the Jury without stirring from the Bar, found them both guilty of the Charge in the Indictment.

It might have been reasonably expected, that the reiterated attempts to suborn the Witnesses of the Popish Plot, would have irritated the Justice of the Nation,

*Nation*, to more severity upon these Offenders; but 'tis evident that the *Plot* did daily grow and gain ground, even upon our Courts of Justice.

I shall here take occasion to observe, what Fines had been formerly imposed upon *Protestants*, for Offences, very slight, compared with this; Mr *Joseph Brown*, in the *Term* before the *Popish Plot* broke out, in 1678. was adjudged to pay 1000 Marks fine; to find Sureties for the good Behaviour for seven years, and to have his name struck out of the Roll of Attornies, and what was his Crime? Why, the Superscribing a Pacquet to the *East-Indies*, wherein was only inclosed a very good Book, called the *Long Parliament Dissolved*.

*Benjamin Harris* a Book-seller, in the year 1680. adjudged to pay 500*l.* Fine, to stand in the Pillory, and to be bound to the good Behaviour for three years; (and Chief Justice *Scroggs*, would have had him Whipt into the bargain, but that Mr Justice *Pemberton* checkt it, by holding up his hands in Admiration) this persons Crime was, the publishing a Book called, *An Appeal from the Country to the City*, in which this passage was contained

tained ; We in the Country have done our parts in chusing good Members for Parliament, but if they must be Dissolved or Pro-rogued when-ever they come to redress the Grievances of the Subject, we may be pitied, not blamed, if the Plot takes effect, as in all probability it will ; Our Parliaments are not then to be condemned, for their not being suffered to sit occasioned it.

But now, when we come to Judgments for Misdemeaners on the other side ; We shall perceive great Compassion and Mercy appearing in that Court ; indeed *Reading*, who was Convicted for the first attempt upon the *King's-Witneses*, was adjudged to pay 1000*l*. to be Pilloried, and Imprisoned for a year ; and one would have thought, that more severe Judgments would have past upon such as should dare to repeat the same Crimes, after such an Example ; but we see the contrary ; About six Months afterwards *Knox* and *Lane* being Convicted of the same Offence, accompanied with much blacker Circumstances, *Knox* the principal, was only Fined 200 Marks, and condemned to a years Imprisonment, and to be bound to the good Behaviour for three years : And *Lane* Fined 100 Marks, and

and adjudged to stand once in the Pillory, and to be Imprisoned a year. And now in the Case before us, (*Mr Tasborough, a Gentleman of a good Estate, who had treated about so great a Villany in the name of the Duke of York*) was only Fined 100*l.* And *Mrs Price* 200*l.* But who can admire at this notorious departure from the rules of Justice and Equality in the assessing of Fines, that remembers that the *Chief Justice Scroggs*, did in this very Term declare in open Court, in the Case of *Dr Jessop*, a very honest and worthy Protestant of Norfolk, that he would have regard to Persons and their Principles, in imposing of Fines; and would set a Fine of 500*l.* on one person, for the same offence, for which he would not Fine another 100*l.* And accordingly Fined *Dr Jessop* 100*l.* for reporting false News, as they called it, and at the same time Fined the *Doctor's Author* of that News, (*a right Tory no doubt*) only five Marks; Now surely will the Reader say, this *Jessop* was undoubtedly a very naughty Man; but to undeceive him, I can affirm, he is as true a *Church of England-Man* as can be found; and the bad principle, which made him to be thus marked, was, that he

he was an avowed Enemy to Popery, and true to the *Liberties of England*; and did, upon every occasion, exert himself, to a degree hardly to be equalled by any Gentleman of *Norfolk*; for the chusing deserving men for *Knights* of the shire; and particularly for *Sr John Hobart*, then whom none ever deserved better of that County, and whose name will always be remembred there, with great Honour. For this extravagant Partiality and Injustice in imposing Fines, the Court of *Kings-Bench*, was deservedly marked with this Vote of the House of *Commons*.

December the 23<sup>d</sup> 1680:

Resolved, That the Court of King's Bench, in the Imposition of Fines on Offenders of late years, hath acted Arbitrarily, Illegally, and Partially, Favouring Papists and persons Popishly affected, and excessively Oppressing Protestants.

Reflections

Reflections upon the Proceedings in the *Old Baily*, before the Lord Chief Justices, *Pemberton* and *North*. November 24 1681. upon an Indictment for High Treason, framed against the Right Honourable *Anthony Earl of Shaftesbury*, for conspiring the Death of the *King*, and Subversion of the Government.

THE Names of the *Grand-Jury*, returned by Sheriff *Pilkington* and Sheriff *Shute*, and who were Sworn upon that occasion, were,

Sr Sam. Barnardiston,	Thomas Parker,
John Morden,	Leonard Robinson,
Thomas Papillon,	Thomas Shepherd,
John Dubois,	John Flavel,
Charles Herle,	Michael Godfrey,
Edward Rudge,	Joseph Richardson,
Humphrey Edwms,	William Empson,
John Morris,	Andrew Kendrick,
Edmund Harrison,	John Lane, and
Joseph Wright,	John Hall.
John Cox,	

A sort of people called *Tories*, (wedded to their own blindness) having loudly clamoured of this great *Jury*, I shall here add the names of those who were returned upon the same Pannel.

<i>Alderman Ellis,</i>	<i>Mr William Ashurst,</i>
<i>Mr Mellish,</i>	<i>Mr John Deagle,</i>
<i>Mr Tho. Gardener,</i>	<i>Mr Thomas Western,</i>
<i>Mr Samuel Swinnock,</i>	<i>Mr Bonnel,</i>
<i>Mr Ben. Godfrey,</i>	<i>Mr Gabriel Wheatley,</i>
<i>Mr John Pollexfen,</i>	<i>Mr Tho. Carpenter,</i>
<i>Mr John Smith,</i>	<i>Mr L. Baskerville,</i>
<i>Mr John Gardener,</i>	<i>Mr George Marwood,</i>
<i>Mr Peter Delenee,</i>	<i>Mr John Smith.</i>
<i>Mr Peter Hubland,</i>	

And now, let all who know the *City of London* judge, whether a more substantial Pannel, in every respect, was ever returned to serve at the *Old-Bailey*.

The *King's Council* for the management of this *Intrigue*, were,

The *Attorney General*,

*Sr Francis Wythens* (the *Abhorrer of Parliaments*.) And

*Mr Saunders* (afterwards the *Quo Warranto*, Lord Chief Justice.)

*Mr Graham*, (the *Solicitor of all the late*

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*Sham Plots upon Protestants, and pay-master of corrupt Juries and perjured Witnesses*) solicited this Prosecution, and hence took his first step to such Preferment, as enabled him to give Eight or ten thousand Pounds with a Daughter; 'Tis to be lamented that he hath lived to this day without further Preferment, in the way, which at that time the then Lord Chancellor promised to honest Captain Wilkinson.

The magnified Evidence of this horrid Treason, and that, which the King's Council relying upon, begun with, was a Paper proved by Secretary Jenkins, Mr Blaithwaite, and Mr Gwin, to have been found in the Earl's House; of which such noise has been made in the World, by the virulent *Observer*, and the *Popish News-Writers* (as well as from too many of our *Pulpits*) that it may not be ungrateful to the Reader, to be here presented with the very words thereof, which follow,

## The Association.

**W**E the Knights &c. finding, to the grief of our Hearts, the Popish Priests and Jesuites, with the Papists, and their

their Adherents, and Abettors, have for several years last past, pursued a most pernicious and hellish Plot, to root out the true Protestant Religion, as a pestilent Heresie, to take away the Life of our Gracious King, to subvert our Laws and Liberties and to set up Arbitrary Power and Popery.

And it being notorious, that they have been highly incouraged by the Countenance and Protection, given and procured for them, by James Duke of York, and by their expectations of his succeeding to the Crown; and, that through Crafty Popish Councils, his Designs have so far prevailed, that he hath created many and great Dependants upon him, by his bestowing Offices and Preferments, both in Church and State.

It appearing also to us, that by his influence, Mercenary Forces have been levied and kept on foot, for his secret Designs, contrary to our Laws; the Officers thereof having been named and appointed by him, to the apparent hazard of his Majesties Person, our Religion and Government, if the Danger had not been timely fore-seen by several Parliaments; and part of those Forces, with great difficulty, caused by them to be Disbanded, at the Kingdoms great Expence;

and, it being evident; that, notwithstanding all the continual endeavours of the Parliament, to deliver his Majesty from the Councils, and out of the power of the said Duke; yet his interest in the Ministry of State, and others, have been so prevalent, that Parliaments have been unreasonably Prorogued and Dissolved, when they have been in hot pursuit of the Popish Conspiracies, and ill Ministers of State, their Assistants.

And that the said Duke, in order to reduce all into his own Power, hath procured the Garrisons, the Army and Ammunition, & all the Power of the Seas, and Soulciery, and Lands belonging to these three Kingdoms, to be put into the hands of his Party, and their Adherents, even in opposition to the Advice and Order of the last Parliament.

And, as we considering with heavy hearts, how greatly the Strength, Reputation and Treasure of the Kingdom, both at Sea and Land, is wasted, and consumed and lost, by the intricate, expensive management of these wicked destructive Designs; and finding the same Councils, after exemplary Justice upon some of the Conspirators, to be still pursued, with the utmost devillish Malice, and desire of Revenge, whereby

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his Majesty is in continual hazard of being Murdered; to make way for the said Duke's advancement to the Crown; and the whole Kingdom, in such case is destitute of all security of their Religion, Laws, Estates and Liberty; Sad Experience, in the Case of *Queen Mary*, having proved the wisest Laws to be of little force, to keep out Popery and Tyranny under a Popish Prince.

We have therefore endeavour'd in a Parliamentary way, by a Bill for that purpose, to Bar and Exclude the said Duke from the Succession to the Crown; and to Banish him for ever out of these Kingdoms of England and Ireland; But the first means of the King and Kingdoms safety being utterly rejected; and We left almost in Despair of obtaining any real and effectual Security; and knowing our selves to be intrusted, to advise and act for the preservation of his Majesty and the Kingdom; and, being perswaded in our Consciences, that the dangers afore-said, are so eminent and pressing, that there ought to be no delay of the best means that are in our power, to secure the Kingdom against them; We have thought fit to propose to all true Protestants, an Union amongst themselves, by

*solemn and sacred Promise, of mutual Defence and Assistance, in the preservation of the true Protestant Religion, his Majesty's Person, and Royal State, and our Laws, Liberties and Properties; and we hold it our bounden Duty, to joyn our selves for the same intent, in a Declaration of our united Affections and Resolutions in the form ensuing.*

**I** A. B. do in the Presence of God, solemnly Promise, Vow and Protest; to maintain and defend, to the utmost of my Power, with my Person and Estate, the true Protestant Religion, against Popery, and all Popish Superstition, Idolatry, or Innovation; and all those, who do or shall endeavour to spread or advance it, within this Kingdom.

I will also, as far as in me lies, maintain and defend his Majesty's Royal Person and Estate, as also the Power and Priviledge of Parliaments, the lawful Rights and Liberties of the Subjects, against all Incroachments and Usurpation of Arbitrary Power whatsoever; and endeavour entirely, to Disband all such Mercenary Forces as we have reason to believe were raised to advance it, and are still kept up in and about the City of London;

to the great Amazement and Terror of all the good People of the Land.

Moreover, James Duke of York, having publickly professed and owned the Popish Religion, and notoriously given Life and Birth, to the damnable and bellish Plots of the Papists against his Majesty's Person, the Protestant Religion, and the Government of this Kingdom: I will never consent that the said James Duke of York or any other, who is, or hath been a Papist, or any ways adhered to the Papists in their wicked Designs, be admitted to the Succession of the Crown of England: But by all lawful means, and by force of Arms, if need so require, according to my Ability, will oppose him; and endeavour to Subdue, Expel and Destroy him, if he come into England, or the Dominions thereof, and seek by Force to set up his pretended Title; and all such as shall adhere unto him, or raise any War, Tumult, or Sedition for him, or by his Command, as publick Enemies of our Laws, Religion and Country.

To this end, We and every one of Us, whose hands are here-under written, do most willingly bind our selves and every one of Us, unto the other; joynly and severally, in the

*Bond of one firm and loyal Society, or Association; and do Promise and Vow before God, that with Our joynt and particular Forces, We will oppose and pursue unto Destruction, all such as upon any Title whatsoever, shall oppose the Just and Righteous ends of this Association; and Maintain, Protect and Defend all such, as shall enter into it, in the just performance of the true intent and meaning of it. And, least this just and pious Work should be any ways obstructed or hindered, for want of Discipline and Conduct, or any evil minded Persons under pretence of raising Forces for the Service of this Association, should attempt or commit Disorders; We will follow such Orders, as we shall from time to time receive from this present Parliament, whilst it shall be sitting; or the major part of the Members of both Houses, Subscribing this Association, when it shall be prorogued or dissolved; and obey such Officers as shall by Them be set over Us, in the severall Countries, Cities and Burroughs; until the next meeting of this, or another Parliament; and will then shew the same Obedience and Submission to it, and those who shall be of it.*

*Neither will we for any respect of Persons, or Causes, or for Fear, or Reward; sepa-*



rate our selves from this Association, or fail in the prosecution thereof, during our Lives, upon pain of being by the rest of us prosecuted and suppressed, as perjured Persons, and publick Enemies to God, the King, and our native Country.

To which Pains and Punishments we do voluntarily submit our selves, and every one of us, without benefit of any colour or pretence to excuse it.

In witness of all which Premisses, to be inviolably kept, we do to this present Writing, put our Hands and Seals, and shall be most ready to accept and admit any others hereafter into this Society and Association.

It is to be observed, that this Paper had neither date, nor any Hand to it; nor did it appear of whose Hand-writing it was; but Sr Francis Wythens aggravated the matter, saying, That tho' the Paper began very plausibly, and went a great way so, yet in the last clause but one, they came to perfect levying of War, declaring, that they would joyn to destroy the mercenary Forces about London (the words by the way were, to ~~disband~~ the mercenary Forces raised

raised and kept up to advance arbitrary Power ; but such a mistake may be remitted to Sr F. Wythens, and also to that smooth Lord Chief Justice North, who in suming up the Evidence to the Grand Jury, did wilfully (no doubt of it) make the same mis-representation of that matter. Mr Saunders added, that the design of the Paper was pretended to oppose Popery and Arbitrary Power, and destroy the Papists ; which seemed not so much in it self ; but that their Witnesses would shew, who those Papists were that were to be destroyed.

And now the Witnesses are called, who were, John Booth, (a most notorious and scandalous Villain, who had been guilty of several Felonies) ; Edward Turberville, and John Smyth, an Irish Priest (who were manifestly perjured in the Tryal of honest Colledge) Brian Haynes, John Macnamar, Dennis Macnamar, Edward Ivey and Bernard Dennis (Profligate Irish Witnesses, who, according to every season, had traded in Swearing and Counter-swearing.)

It may suffice to present the Impartial Reader with the Names of these scandalous Fellows ; for 'twould be  
nauseous

nauseous to detain him, in reading the non-sensical, incredible, contradictory stuff, sworn by them; as, *That the Earl would raise the Kingdom, to compel the King to give Haynes a Pardon. That the Government was to be changed to a Commonwealth, and the Duke of Buckingham to be King. That the Earl should tell Macnamar, and Ivey, that he would bring the King's Head to the Block. That a Person of the Earl of Shaftesbury's extraordinary caution should talk Treason (or any thing else) with so infamous a Fellow as Haynes, for an Hour together, in a Cook's Shop in Ironmonger-Lane.*

It seems here worthy of Observation, that the *Conspirators* clap'd this Noble Lord into the Tower, in the beginning of July 1681; but the Term coming on, when they must prosecute him, or he would be bailed out; they were then to seek for *English Witnesses* to back the trusty *Irish*; so *Booth* and the rest were rak'd together; and *Captain Wilkinson* (one of the *honestest Men*, then or now living) was tempted and threatned, at a more than ordinary rate, to come in, to back and credit their Testimony; as was evidently made out by his *Informa-*

tion, which, to his eternal honour, he published before this prosecution; an *Abstract* whereof, I do hereunto subjoyn, to evince the cursed practises of those dayes, and to mind an ungrateful Generation, of the merit of that worthy upright Person.

It may also deserve Remark, that the Treasonable discourses Sworn against his Lordship by these Varlets, were fix'd by them, to *February* and *March* before; the *Instructors* of these *Witnesses* well remembring, that that was a time when the *Nation* was in no small ferment, upon the trifling with *Parliaments* for the introducing *Popery* and *Tyranny*; yet most of these *Witnesses*, upon their examination, were forced to acknowledge that they gave (or rather sold) their *Informations*, after my Lord of *Shaftesbury* was committed in *July*, upon a *Warrant* for high *Treason*, which *Secretary Jenkins* (who managed this whole *Intrigue* and the *Witnesses* thereof) gloried, that he had the honour to sign.

I shall here take occasion to declare, what I have long believed, that the amusing us in *England*, with the *Irish Popish Plot*, did proceed from the depth  
of

of the *Jesuits Counsels*, with design to trip up the Heels of their execrable *Plot* here; & that they sent us these wretches on that very errand. I do also think that the *Conspirators* then at *Whitehall*, did, in the management of this *Intrigue*, over-reach this great and wise Lord, the *Earl of Shaftesbury*; and that his zeal to extirpate *Popery* in both the Kingdoms, disposed him to be too credulous in that matter of the *Irish Plot*, at least as to the honesty of the *Witnesses* thereof. But, what Man endued with the least grain of *Honesty* and *Sense*, could ever credit the Evidence against this *Noble Peer*, after the reading *Mr Colledge's Tryal*; and the *Information* of worthy *Captain Wilkinson*, about this very affair.

As to the Paper found in the *Earl's House*, and upon which so great stress was laid, I shall here note, that at this time it was notoriously known, even in every *Coffee-House*, that an *Association* (and very probably this now given in evidence had been resolved upon and read in *Parliament*; and the *Fore-man* of the *Grand-Jury*, who was a *Member*, well knowing that the *Plot-Secretary* was then  
of

of the *House of Commons*; examined him strictly about it; but he appeared very reserved and cautious in his answers, and could not at first remember that he had heard of the *Association*, but as *Town-talk*; but being closely followed with Questions by the worthy *Fore-man*, he, very unwillingly, went a little further, saying, That to the best of his remembrance he was not present in the *House* at the Reading the *Association*; though 'tis notoriously known that he did there make Speeches against it.

To evince that the project of an *Association* was no new thing; I cannot hinder my self from a small digression, to shew, that one of this formal *Secretary's* *Confidants*, *Nathaniel Thompson*, the *Papish Printer*, had published the news of this *Association*, near two Years before this prosecution; it is in his *Intelligence of December* the 9th, 1679, in these Words, *A form of an Association is preparing, for People to subscribe, for the defence of the King's sacred Person, the present Established Form of Government, and the Protestant Religion, paralel to that in Queen Elizabeth's time, which was afterwards confirmed by Act of Parliament. This seems to take its Rise from the Resolve*

of the late Parliament.

This very *Advertisement* may be well supposed to put such as were curious to know the transactions of that time, to get a sight of the *Association*, so notified to be on foot; and 'tis very probable, that by that means it might, as news, be handed to the *Earl of Shaftesbury*, and so come to be thrown by amongst his old Papers; however, had not an upright understanding *English Jury* interposed, it had as certainly destroyed the Honour, Estate and Life of this never to be forgotten *Noble Lord*, as the *Westminster Carpenter* (in disguise with his little *Presbyterian Band*) and his eleven *Brethren*, did destroy the brave *Colonel Sydney*, upon the evidence of old loose Papers, found in his House, enforced with a *Maxim* in three cramp Words, *Scribere est Agere*; as unintelligible, in all probability, to that *pack'd Jury*, as was the *Treatise* of that great *Man*, or as the *Maxim* it self is to learned *Lawyers*.

Well, to conclude, after much contrasting between the *Jury* and the *Court*, whether the *Jury* might consider the *credibility* of the *Witnesses*; which the *Chief Justice* denied; and Mr *Papillon*, with much tugging, having gained a great point



point of the Court (viz.) That they were within the compass of their own Understanding and Consciences to give their Judgment; Which is in truth no more than the giving them leave, to see with their own Eyes, hear with their own Ears, and judge by their own Reason; the Jury returned *Ignoramus* upon the Indictment, to the unspeakable satisfaction and joy of all Men, who were not in the Conspiracy or Well-Wishers to it.

*An Abstract of Captain Henry Wilkinson's Information, of what passed between him, and the Persons who attempted to prevail with him, to swear high Treason against the Earl of Shaftesbury.*

*Imprimis,*

**H**E declares on his Oath, That upon the 8th of October, 1681, Mr *Walter Baines* came to him in the *King's Bench Prison*, and, caressing him with great kindness, told him, that *Mr Browrig* was sent Prisoner to *York-Castle* for Treason, and for appearing for the *Earl of Shaftesbury*.

He

He then told the *Informant*, that he could not but know much of my Lord *Shaftesbury's* designs against the *King*; and, that if he would make discovery to him, he was ready to do him any Kindness, and desired an opportunity; and added, that he had been lately with *Mr Graham*, and that he had a great Interest with my Lord *Hyde*.

That *Baines* spent all the time he staid with him, in expressing a great deal of Zeal upon that subject, and assured the *Informant*, that he should have *Pardon*, and should be considerably rewarded, to which the *Informant*, (perceiving what was designed, and resolving to humour it) seemed to listen, telling *Baines*, that when he was requited for his former Services (having suffered much for *King Charles the first*, and been very active in the Restoration of the *second*) he would serve his *Majesty* in what he could.

That upon the 11th of *October*, the *Informant* was sent for to *Mr Booth*, who was a Prisoner at *Weaver's House* near the *King's Bench* (he having been removed thither the Night before from one of the *Cemeters*) That the *Informant* understood

G

Booth

*Booth* to be in the design ; that he had known him above twenty Years, and to be a Person of good learning, and ingenuous, but of bad Principles, and very ill Reputation, having been accused and condemned for Cliping and Coyning, besides Murder, therefore he resolved to stand upon his Guard.

That *Booth* said to the *Informant*, that he was to tell him, that he had an opportunity to be a better man in his Fortune then ever he was, and to make his Fortune ; and that he might have 500 l. per annum, to him and his Heirs, or 100000 l. which he pleased, to discover what he knew of my *Lord Shaftesbury*, and of his design to change the Government to a Common-wealth, and to witness against him ; to which the *Informant* replied, that no Body would believe that he should be trusted with such a design ; but that *Booth* answered, that he was the likeliest man to know, having served the King, and been slighted ; that the *Informant*, (to humour the matter, and to provoke *Booth* to speak his full mind) told him, that he was with the *Lord Shaftesbury* the Night before he was apprehended, and that *Sr Thomas Armstrong* was there.

That

That the *Informant* gave an account of this transaction to one Mr *Gervas James* that Night, desiring him to put it in Writing, declaring that if he should be tempted to Swear any thing of a Plot or Design by the Lord Shaftesbury against the King, it was for Reward, and desired him to witness it against him.

That upon the 12th of October, he was invited to the same place, to Booth, with whom he found *Baines*, where they tempted him as before, to be a Witness against the Lord Shaftesbury, who answered, that till he was satisfied for by-past Services, he would not be any way concerned at Court, but that if they would give him two Thousand Guineas towards the Injury he had received, he would discover what he knew; but still declared that he knew nothing of any design by that Lord; but that the more he declared he knew nothing, the more Booth urged the Reward, saying, that 500*l.* per annum, or 1000*l.* was intended for him. That the *Informant* upon Booth's importunity said, when he had the Money and a Pardon, he would do any Service he could; that *Baines* thereupon told him, that

that he might have a *Pardon* in two or three days, and then took his *Christian Name*; which the *Informant* conceived was with intention to get a *Pardon*.

That upon the 13th of *October*, the *Informant* was sent for by *Booth & Baines*, to dine with them at Mr *Weaver's House*; and that Mr *Graham* came thither, and told the *Informant*, whom he had known about twenty Years, that my Lord H. and my Lord H. and the two Secretaries of State, had inquired of him concerning the *Informant*, and his Reputation, and that he the said *Graham*, had answered, that the *Informant* had served the King and his Father faithfully, and was a very honest man, and a great sufferer; and had received great disappointments; and they had sent him the said *Graham*, to carry him to the King, where he should have his promise to be requited for his Sufferings, and to receive his Royal Promise for his Reward. That the *Informant* thereupon told *Graham*, that he could say nothing, and would not go to *Whitehall*; upon which *Graham* said, That whether he could say any thing or not, he might be recompenced for his Sufferings; Whereupon the *Informant* took leave, and went away dissatisfied to be so tempted. That

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That upon the 14th of October, Booth came to the Informant, to know whether he would go to the King or not, and told him, That Mr Wilson, my Lord Shaftesbury's Secretary, then in the Gate-House, had offered to come in and make discovery if he might be pardoned, and therefore he would have the Informant to have the honour to be the first discoverer. That the Informant then telling him, that he had no business at Whitehall. Booth said, if he would not go to the King, the Lord Chief Justice's Warrant would be sent to fetch him to his Chamber, where some of the Council would examine and swear him, that Booth then demanded of him, whether he did not ride with Sword and Pistols, out of Town with the Lord Shaftesbury when he went to Oxford, which being confessed by the Informant, Booth then said, that he must needs be privy to this, that if the King would not pass three Acts; one, for excluding the Duke, the next for making void the Act of Queen Elizabeth against Recusancy, and the third for uniting Protestants, then by force of Arms he was to be compelled; and added that all the Council were satisfied that he knew this.

That, upon the 15th of October, Booth came again to the *Informant*, to know whether he would yet go to *Whitehall*. Who demanding for what: Booth said, To evidence against the *Earl of Shaftesbury*. And being told by the *Informant*, that he had nothing to say against him, Booth importuned him not to lose the great opportunity he then had. That *Baines* then came to them, and the *Informant* inquired why they should be so urgent to have him a *Witness*? who told him, There were yet none but Irish *Witnesses* who had not credit; but if he would come in, though he had been unfortunate in his private Concerns, yet he was not blemished in his Credit. That *Baines* then told him, if he would not go to *Whitehall*, the *Marshal* had a *Habeas Corpus* to carry him, and so they parted.

That about four in the afternoon the *Marshal* came, with Booth and *Baines*, and compelled him to go to *Whitehall*. That there, *Secretary Jenkins*, and my Lord *Conway*, did strictly examine him about the *Lord of Shaftesbury*, and what he knew of any design against the *King*; who told them he knew nothing, That the *King* then came, and honoured the

*Informant,*



Informant, by saying; that he knew him well, and that he had served his Father and him faithfully, and he hoped he would not decline his Obedience; to which the Informant answering, that he deserved not to be suspected, the King told him that he had not had an opportunity to serve his Friends, but hoped he might, and promised to consider the Informant's Sufferings; but told him; that what kindness was intended him, was not with a design to invite him to speak a word, but truth it self; and then demanded what he knew of a design against his Person, and Government; that he thereupon told the King that he knew nothing of any Plot or Design against his Majesty or Government; that the King seemed not to be satisfied; but still pressed hard upon him; and he, not being able to give any satisfactory answer to the questions put to him by the King; his Majesty told him, if he would say, as he hoped to be saved, he knew nothing of any design against his Person, he would believe him; which the Informant did say, in those very words; at which the King seemed to wonder, That then he was left to Secretary Jenkins, who used such Arguments as he thought fit; And

then he was carried into another Room, before the King, the Lord Chancellor, Lord Hallifax, and Lord Hyde, the two Secretaries, and Chief Justice Pemberton, and Examined there; Graham, Burton and Raines being present: That the Chancellor was sharp upon him, with several Questions, which the Informant could not answer, and would not believe; but that he must be guilty of knowing great things against the Lord Shaftesbury: That thereupon the Informant told him, if they would not take his Word, he would declare his Knowledge upon Oath if they brought the Lord Shaftesbury to Tryal, and that without any hopes of Gain or Advancement, upon which, the Chancellor told him, there were two sorts of Advancement, and he need not give himself that trouble, for he himself was like to come to Tryal before the Lord Shaftesbury. That then the Chancellor demanded of the Informant, whether he had not a Commission for the new Service against the King, which being denyed; he told the Informant, that he was to have a Troop of Fifty Men, and that Booth, who stood by, gave that Information, and was Listed under him; which Booth affirmed true, and that he had made Oath of it;

it; that the *Informant* knowing his Innocence, was unconcerned, and told the *Council*, if they had such another *Witness* they might do his *Business*.

The *Information* of *Gervas James* Gentleman.

THAT Captain *Wilkinson* upon the 11th of *October*, 1681. and daily afterwards, acquainted him, with the *Treaties* and *Transactions* between him and *Bains*, *Booth* and *Graham*, and the other persons mentioned in the fore-going *Information*, and that they were in substance the same with what is therein set forth, the *Informant*, at Captain *Wilkinson's* request, and for his own satisfaction, having kept a daily journal during the said *Treaties*.

The *Information* of *Mrs Susannah Wilkinson*, Wife of Captain *Wilkinson*.

THAT upon the 12th of *October*, 1681, she found her Husband at *Veaver's* House, with *Booth* and *Baines*, who were very largely treating him with Wine; That her Husband stepping out, *Booth* told her that he was a most obstinate man; and desired her to perswade him, to be

be guided by him; and said, the King would do more for her Husband then ever the Ld. of Shaftesbury would, and was sensible of his Service and Sufferings; And if her Husband would be perswaded by him, the said Booth, to appear against the Ld. of Shaftesbury, he should have 500l. per annum settled upon him and his Heirs forever.

That upon the 14th of October, 1681, she being with her Husband at the King's Bench-Prison; Booth came, and desired her for God's sake, to perswade her Husband to be ruled by him; and that if he would, he might be a happy man, and the Duke of York would settle 500l. a Year in Ireland upon him and his Heirs.

Having, in the fore-going Abstract, shewn what mighty Temptations honest Captain Wilkinsons withstood; I shall now intimate something of the manner how the Irish Witnesses were corrupted, and wrought upon; to Swear against my Lord of Shaftesbury.

Mr Robert Boulter of London Stationer, and Mary Cox of Stoke-Newington in Middlesex Spinster, upon the 8th of July 1681. gave Information in writing upon Oath, before Sr John Fredrick, a Justice of the Peace for London, That  
upon

upon the 7th of June 1681. Bernard Dennis told them, that David Fitz. Gerald had made him great proffers, to retract his Evidence about the Popish Plot.

Bryan Haynes made Oath before the Council the 5th of October, 1681. that David Fitz. Gerald one of the King's Evidence, about the end of last February, told him, that he had possessed the King, that the late Plot was a Presbyterian Plot, and invented by the Earl of Shaftesbury, to extirpate the Family of the Stewarts, and turn England into a Common-wealth, or set the Crown upon the Earl's Head. That Fitz. Gerald did diverse times tamper with the Deponent to retract his Evidence concerning the Popish Plot, and that Fitz. Gerald told him, that he wanted but John Macnamar to come in and joyn with him, and he would have the Earl of Shaftesbury's Head off, and Sham the whole Popish Plot.

This Information of Bryan Haynes is still extant, and certified to the World by Mr Blathwayte then one of the Clerks of the Council, in these Words,

A true Copy of a Paper, remaining at the Council Board, attested in

in pursuance of an Order in Council  
dated the 5th of October, 1681.

*William Blathwaite.*

Now, Is it not a most astonishing  
thing, and not to be believed in the  
next Age, that the King's Council,  
should, without blushing, produce these  
very Men, Dennis, Haynes, Macnamar, &c.  
as Witnesses against this Noble Lord;  
and that Mr Secretary Jenkins; and  
Mr Blathwaite, and Mr Gwin, Clerks of  
the Council, could stand in the Court  
and hear them give their Evidence with-  
out Exclamation? But they may say as  
the Poet hath it,

*Ætas Parentum peior Avis,  
Nos tandem protulit Progenies  
Viridorem.*

Notes upon the Tryal of Mr Stephen  
Colledge at Oxford, upon an In-  
dictment for High Treason, the  
17th of August, 1681.

**T**He Conspirators having been disap-  
pointed of many a hopeful Plot,  
and .

and to this time not getting one to bear ;  
 They now resolve to content themselves  
 with a very ill-favoured one ; and *having*  
*suborned and bought in a Set of proper Wit-*  
*nesses ;* They resolve, first to enter them  
 upon *Stephen Colledge*, a Joyner, before  
 they run them at more *Noble Game*.

Hereupon he is clap'd into the *Tower*,  
 and an Indictment for High Treason,  
 is offered to this following *City-Grand-*  
*Jury*.

<i>John Wilmore,</i>	<i>Edward Powel,</i>
<i>William Mackley,</i>	<i>Paul Dorrel,</i>
<i>Sampson Puller,</i>	<i>Francis Lascoe,</i>
<i>Thomas Cope,</i>	<i>John Armiger,</i>
<i>Peter Mortimer,</i>	<i>Samuel Totton,</i>
<i>John Wood,</i>	<i>John Pettyt,</i>
<i>Thomas Haynes,</i>	<i>S. Maine,</i>
<i>Thomas Fox,</i>	<i>Caleb Hooke, and</i>
<i>John Read,</i>	<i>Robert Davies.</i>
<i>Marke Stretton,</i>	

These Gentlemen well-seeing the Villany  
 of the practice, and weighing (as undoubt-  
 edly they might, and ought) the *Credibi-*  
*lity of the Infamous Witnesses ;* They re-  
 ject the *Bill*, & hand it back to them who  
 sent it, with an Honourable *Ignoramus*.

The Being of their *Plot*, depending  
 upon their gaining the point against  
 this



this Poor Mans Life, They change the Scene to Oxford; and at the Assizes there, one Gregory, the well-disposed Sheriff of that County; picks out a Grand-Jury for the purpose, and so an Indictment of Treason is there found against him.

Matters being thus prepared for the Murdering this honest Man, the Proto-Martyr in the sham Presbyterian Plot, and it being a thing of mighty moment, these four Judges are speeded to Oxford, armed with a special Commission to try, or rather to dispatch him.

Lord Chief Justice North,

Mr Justice Jones,

Mr Justice Raymond,

Mr Justice Levins.

Colledge is hurried from his close Imprisonment in the Tower, down to Oxford, and was, at his first entring the County, exposed by Gregory the High Sheriff, and mocked at the House of Mr Stoner a notorious Papist.

Upon the 17th of August, 1681. he is brought into the Court, where the Council against him were;

The Attorney General,

The Solicitor General,

The late infamous Lord Chancellour,

Serjeant Holloway,

Mr

*Mr North, and*

*Mr Jones.*

*He being charged with an Indictment for conspiring the Death of the King, and to levy War, and subvert the Government; prayed a Copy of the Indictment and the Names of the Jury; and that the Court would assign him Counsel; these things were not only refused him, but an un-heard of Injustice was put upon him, for just before he was brought into the Court, they took from him the Papers which he had prepared for his defence, and most unjustly with-held them.*

*Then this Jury was sworn to pass upon him.*

*Henry Standard,*

*William Big,*

*Robert Bird,*

*John Shorter,*

*William Windlew,*

*Charles Hobbs,*

*Roger Brown,*

*Timothy Doily,*

*Ralph Wallis,*

*John Benson,*

*John Peircy, and*

*John Laurence.*

*Now Mr Attorney General falls to work about him, addressing himself in this manner to the Jury;*

*Gentlemen! The Prisoner stands indicted of High Treason, and that of the deepest dye; it is for an endeavour to destroy*

destroy the King, to subvert the Government, and to raise a Rebellion——

He laid his design to seize the King at Oxford, and he wanted not his Accom-

plices to do it: But they were not Protestants, but Men that were Rebels in the late War——  
The World never was, nor ever will be obliged with a List of the Accomplices here talked of.

In order to this, he hath prepared Arms of a great value for a Joyner; He prepared a good Horse, extraordinary Pistols, a Carbine, a Coat of Mail, an Head-piece, and so being arm'd Cap a Pe, with that design he came to Oxford——We shall shew

you, that he made it his business to persuade others to undertake the design, and joyn with him.——He gave out a Sign which was a blew Ribbon wrought with Letters in it (*No Popery, no Slavery*) by this they were to know one another——We shall give you an

Account of his Principles; and what encouragement he was to have, for he boasted he should in a little time be a Colonel

——This was not a sudden unpremeditated thing; for he had entertained the horriddest malice against the King, that ever Subject did. He hath made it  
his

his common discourse (*I believe I could bring you forty and forty Witnesses to it*) to defame the King, and murder him in his Reputation——We shall give evidence, that he carried on the same design, with that *Arch-Taylor, Fitz. Harris*, who was a *Papist*; and *I believe if he were examined thoroughly, he would be found of the same Stamp*——The King hath been traduced, as a *designer of Arbitrary Government*, and as an *Introducer of Popery*——If any Man ever was guilty of high *Treason* sure he is, and deserves the severest punishment.

Then *Stephen Dugdale, John Smyth, Bryan Haynes & Edward Turberville* were sworn: *Dugdale* said, That the *Prisoner* had oft rail'd against the King, & said he was a *Papist*, and as deep in the Plot as any *Papist* of them all; that nothing was to be expected from him, but introducing of *Popery and Arbitrary Government*; That he would arm himself, and be here at *Oxford*, having several stout Men, particularly *Captain Clinton, Captain Brown, and Don Lewis*; that would stand by him, in case there should be a *Rising*.

That the *Prisoner* gave him forty Shillings worth of *Blew-Ribbon*, with the

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Inscrip-

*Inscription, No Popery, No Slavery,*  
to give to his Friends——That the  
Prisoner said at Oxford, *Let the King be-*  
*gin as soon as he will, his Party is but an*  
*bandful to our Party.*

Smyth declared, That the Prisoner told  
him, *that the King was as great a Papist*  
*as the Duke of York, and every way as*  
*dangerous to the Protestant Interest, and*  
*he doubted not but he would dye his*  
*Fathers death.*

That Colledge carried him to his  
House, and sheweth him his *Pistols, Blun-*  
*derbuss, great Sword, Armour Back and*  
*Breast, and his Head-piece ;* and told him  
these would destroy Rowlye's pittiful  
Guards, which were kept up against  
Law to set up Popery and Arbitrary  
Power.

That the Prisoner said he expected  
some sport at Oxford, and would go  
thither, and *would be one who should seize*  
*the King, if he should seize any of the*  
*Members ;* That upon a Discourse of  
disarming the City, the Prisoner said,  
that if the Earl of *Feversham* or the King  
himself should come to do it, he would  
be the Death of him ; rather than he  
should take away his Arms.

*Haynes*

*Haynes* Witnessed, That the *Prisoner* told him, that the *King* should be called to an Account for all his Actions, for, it was notorious, *That he resolved to Establish Popery and Arbitrary Power.*—

And that no *King* of his Race should ever Reign in *England* after him.

*Turbervile* said, That the *Prisoner* told him at *Oxford*, that there was no good to be expected from the *King*, for he and all his Family were *Papists*. That he wished the *King* would begin, and said, but if he do not, We will begin with him, and seize him; for there are several brave Fellows about this Town, that will secure him, till we have those terms we expect; adding, *That he had got a Case of Pistols, and a very good Sword and a Velvet-Cap. (This Mr Attorney represented, to be Armour Cap a Pe.)*

In the next place *Sr George Jefferies* brought against the *Prisoner*; one *Mr Robert Masters*, whom he recommended to the Jury, as a Gentleman of an undoubted rising Reputation; and he swore that *Mr Colledge* in discourse with him, had justified the Proceedings of the *Parliament of 1640*. And that the last *Westminsters-Parliament*, was of the Opinion

with that *Parliament*; And that he the said *Masters*, having in a pleasant way saluted *Colledge*, by the name of *Colonel*, he said, don't mock me, I may be one in a little time.

Then *Sr William Jennings* testified, That *Mr Colledge* was shewing a *Picture*, to a Crowd of seven or eight or ten People, at *Oxford*; and gave one of the *Pictures* to him, which he gave to *Justice Warcup*. That the next day he saw *Colledge* sell a yard of *Blew Ribbon* (with

Note how doth this stand with the A. General's Suggestion about the Ribbon given for a Signal? the Words, *No Popery*, *No Slavery*, workt into it) to a *Parliament-man* in the *Coffee-House*, for 2s.

who tyed it upon his *Sword*. That *Mr Colledge*, upon the day of the *Dissolution* of the *Parliament*, told him, that *Mr Fitz. Gerald* had spit in his face, and that they went to fifty Cuffs, and that he told *Mr Colledge*, that his *Nose* bled, and he thereupon replied, *I have lost the first Blood in the Cause, but it will not be long before more be lost.*

After some Contrasting with the *Judges* and *King's Council*, The Prisoner spoke to this effect. *I don't question but*



to prove this one of the most Hellish Conspiracies that ever was upon the face of the Earth, an absolute Design to destroy all the Protestants of England, that have had the Courage to oppose the Popish Plot; In which no Man of my Condition, has done more than I have done; I was bred a Protestant, have so continued, and by the Grace of God will dye so——'Tis the greatest Nonsense to believe, that I would say these things, to persons whom I could never hope would conceal my Treasons, having discovered their own. I had been a Fool, a Mad-man, to discover them to Papists, Priests and Irish-Men; Men ready to starve for Bread. Had I declared a design to seize the King when he was here at Oxford, they neither would nor ought to have concealed it—— I declare, as God is my Judge, that, had I had a design to seize the King, I know not of one Man upon the face of the Earth, to have stood by me; Parliament-Man, or other—— I have a Soul that must live to Eternity, I would not call God to Witness to a Lye, to save One Thousand Lives; This is a Villainous Conspiracy, and if it take place against me, God knows how far it may go: This is the 17th or

18th Sham Plot of the Papists against the Protestants ; If they can make me a Traytor, they will try it upon others, and so hope to Sham off their own Treasons.

Then the Prisoner called his Witnesses, Mr William Shewin testified, that Turberville told him, the week before at Charing-Cross, that there would be strange things at Oxford against Colledge, and he would lay ten to one, that Mr Bethel and Mr Wilmore would be Hang'd at Christmas; and that he would lead Mr Bethel by the Gold-Chain about Fleet-Street.

Mr Hickman testified that he overheard Haynes say to a Papist, who Lodged in Hickman's-House, God Damn me, I care not what I Swear, nor whom I Swear against, for it is my Trade to get Money by Swearing.

Mrs Hall and Mary Richards her Servant testified, That Haynes acknowledged, that he was employed, to turn the plot upon the Protestant Dissenters.

Mr Whaley testified, that about 6 years ago, Haynes stole a Silver Tankard from him.

Mr Lum testified, that soon after the London Grand Jury had brought in their Ignoramus upon the Indictment against Mr Colledge ; Haynes in discourse about it, fell

fell very foully upon that Jury, and said he would do the Earl of Shaftesbury's business, and help the King to Money enough out of the Fanaticks Estates, And that upon the last Munday, Haynes told him, that e'er long the King should have Sheriff Bethel's Estate.

Mr Broadgate testified, that Turbervile told him that the King's evidence were slighted and vilified, and that he was tempted, with great offers, to disown the Popish Plot, and to turn to the other side.

Dr Otes being called, produced to the Court a Petition to the Common Council of London, signed by Turbervile, &c. wherein they acknowledged, that they had been tempted to retract & deny the Evidence they had given about the Popish Plot; and the Dr. testified, that Turbervile denied to him that he had given evidence to the London grand Jury against Colledge; & declared that he could not give any evidence against him: That the Dr. afterwards charging him with it, He said, that the Protestant Citizens had deserted them, and God damn him, he would not starve.

The Dr. further testified that upon a quarrel between Colledge and Smith, at Richard's Coffee-House, he heard Smith

*swear God damn him he would have Colledge's Blood.*

That *Dugdale* had told the *Dr.* that he knew nothing against any Protestant in England; that afterwards the *Dr.* charging him that he had gone against his Conscience; *Dugdale* said, that he was necessitated to it, for he could not otherwise get Money: and confessed that *Colonel Warcup* promised him a place in the Custom-House.

*Mr Samuel Smith* and *Mr Thomas Gardener* testified, that *Smith* the Witness, did several times declare to them, that he believed a Popish Plot, but not any Protestant Plot.

*Bolron* and *Mowbray* testified, that *Smith* endeavoured to suborn them, to swear against *Sr John Brookes* of *Yorkshire*; and *Bolron* added, that *Smith* would have suborned him, to witness against the *Earle of Shaftesbury* and *Colledge*, telling him what he should say, and that if he managed it rightly, he should be made for ever.

And that he had heard *Haynes* declare, that he knew nothing of a Popish Plot, nor of a Presbyterian Plot; but that he did not  
care

care what he swore, and would swear any thing to get money, and would be of that Religion, which had the strongest party.

Then Mr Everard testified ; That Smith told him very lately, , that he knew of no Presbyterian or Protestant Plot ; and that Justice Warcup would have persuaded him the said Everard to have sworn a Presbyterian Plot. That Haynes told him, that he was drove by necessity to swear against Protestants, for he had but short pay — And that the Irishmen's swearing against the English, was justly fallen upon them, for their Injustice in ousting the Irish of their Estates.

The Prisoner after he had called these and many other Witnesses (whose evidence (though material) I do for brevity sake omit to transcribe) spoke thus ;

My Lord, *I have no flourishes to set off my Defence ; I cannot take the Jury, nor the Court with Oratory.* — My Lord

They have sworn desperately against me, and it appears they have contradicted one another ; It has been proved, that this was a design : That they  
were

were tampered withal ; That they complained *they were in Poverty*; They confessed they were tempted to come over to swear against *Protestants*; and now, the Lord knows, they have closed with it, and they begin with me. — There is never a Man that has sworn against me, but has been sufficiently confuted by Persons of *Integrity, Honesty, Men of Principles,* and *Men of Religion,* such as make Conscience of what they say. — I have been *Lover* of the *Church of England,* I never had a prejudice against any Man in the *Church* in my Life, but such as have made it their business to promote the Interest of the *Papists*; and such there are amongst them, who divide the *Protestants,* and allow none to be true *Protestants,* but those that are within the *Church of England established by Law* — I have been an hearty Man against the *Papists,* and for *Parliaments, the Bulwark of our Liberty* — I have ever since the discovery of the *Plox,* endeavoured, with all my Heart and all my Power, to come to the very bottom of it — These Men that swear against me, used to follow me, and

and would say, *that they came to save our Lives, and yet We let them want Bread; and the Argument was so fair, that, I thought it unreasonable to see them starve.*

The Prisoner, afterwards speaking to the Judges, said, *My Life and your Souls lie at stake to do me Justice — My Witnesses have spoken materially, to contradict what has been said against me, to prove that this was done for Money, and that every one of them have confessed they were hired to it, and that they did it for a Livelihood; And Haynes, said It was a good Trade; Damn him, he would do any thing for Money — I need insist upon this no further; The whole Nation is sensible what is doing, and what this does signify; They have begun with me, in order to the making of a Presbyterian Plot, which they would carry on to stifle the Noise of the Popish Plot, and this is not the first, the second, nor the tenth time that they have been at this Game; how many Shams have they endeavoured to raise? — I only desire the Jury to take all into their serious consideration; I expect a Storm of Thunder from the learned Counsel to fall upon me — and I must defend my self without Counsel. I know*  
not



not whether it be the practise in any other Nation, but certainly 'tis hard measure, that I, being illiterate and ignorant in the Law, must stand here all day, They being many, and taking all advantages against me, and I a Single Person, and not able to use one means or another, either of writing or speaking——Then applying to the Jury (*after a solemn Protestation of his Innocence*) said, I beseech you, *be not frightned nor flattered,*——you are to acquit me or condemn me, and *my Blood will be required at your Hands.*

Now comes Mr Solicitor to bestow his Rhetorick upon the Prisoner, saying; *Here has been a great deal of time spent, and truly I think for no other Reason but to divert from the matter before you, and that you might forget the Evidence, and therefore, to refresh your Memories, I shall repeat it: The Fact charged upon the Prisoner, is a design to Kill the King, the manifestation of that design is, by preparing Armes to that purpose, and by coming down to seize the King here, the proof of it has been by Witnesses, that I think by and by, you will have no Objections against.*

Then,

Then, having recounted the Stories of the Witnesses, he proceeds thus, The *Objection* made to this proof by the Prisoner, is, *That this is a Popish design to raise a new Plot, and cast it upon the Protestants*; And that these *Witnesses* are now to deny all the Evidence they have given of the *Popish Plot*; This is that he would perswade you to believe, but I think it will be impossible for you to have such a Thought; For what are the Evidence that have proved this? *Men of Credit*, that have been Evidences against the *Popish Plotters*, Men that still stand to the Evidence they have given — And yet forsooth, these Men are going about to stifle this Plot.

Gentlemen! These are the Men the whole Nation has given Credit to, My Lord Stafford dyed upon the Credit of these Men, These are the Witnesses, Gentlemen, that this Man thinks ought to be blown off, with that frivolous Objection, that they are persons, he would have you believe, Who are guilty of a design to throw the Plot upon the Protestants.

Now, Gentlemen! If Colledge have all this while under the name of a Protestant, acted

acted the part of a *Papist*, I may say, *he is not that good Protestant he pretends to be.* I must do him right, and repeat the Evidence he hath given against our Witnesses; Mr *Hickman* says, he overheard *Haynes* say, *it was his Trade to Swear, and he must get Money by it*; *Lun* says, that *Haynes* declared the same thing to him. *Whaley* says, that *Haynes* stole a *Silver Tankard*; but he was never prosecuted for it. I think the Nature of this Evidence hath not that weight, as to take off the Credit of what this Man hath said upon his Oath, especially being backt with the Evidence of *Dugdale*, *Smyth* and *Turbervile*, whose credit has not been impeached: Indeed *Dr Otes* is produced against them, and he must vilifie their Credit, whose Testimony, at first of the *Popish Plot*, received Credit by being second-  
ed by these Men:

A thing much more monstrous was put in practice by the King's Council, when they produced the very persons whom *Dr Otes* had charged with the *Popish Plot*, to convict him of Perjury in the Evidence which he gave of their Plot.

It is a strange thing, that this Man comes now to vilifie the Testimony of those who have been Credited by

the whole Kingdom ——— This looks as if the

*the Doctor were again returning to St Omers.*

There are two Witnesses, *Bolron and Mowbray*, who testify, *That Smyth would have suborned them to swear against Sr John Brookes: But I think I need say no more to these Men, but only to desire you to weigh their Credit; They have, I confess, been evidence against several that have been accused of the Popish Plot, but, they have been so unfortunate, that they were never yet believed, though they have been sworn in their own Country.*

[Note, This by the way was not true, for at Summer Assizes at York in 1680, Thwyng was convicted of the Plot, and afterwards executed, and that upon the Testimony of these very men, Bolron and Mowbray, in their own Country.]

Mr Solicitor then closes thus,

I think, *Gentlemen*, this is the substance of what has been offered against the King's Witnesses, except that of Mr Everard, who says something against Haynes; that he should say, he swore for self-preservation; And against Mr Smyth, he says, that he heard him say, he did not know of any Presbyterian Plot.

By these things (And by a great many others, which had slip'd the Memory of the Solicitor,

*Solicitor, and also of the Chief Justice*) he hath endeavoured to take off the credit of our *Witnesses*; and he would have you believe, *that he is a very good Protestant, though he does the Papists work.*

—— I think it a great piece of arrogance for him, to take upon him the Title of a *Protestant*, when he hath abused that title by such unsuitable Practices —— I cannot but reflect upon the condition of this *Man*, whose only hope is, *that you should now forget your selves and become as ill as he is, But as that cannot be presumed, so I shall not need to say any more to you.*

After the making of very long *Speeches* to the *Jury*, by *Sr George Jeffryes*, and also by the *Lord Chief Justice North*, to the same effect with the *Solicitor's*; The *Prisoner* minded the *Lord Chief Justice*, that he had omitted to mind the *Jury* of several material things evidenced for him; but his *Lordship* answered, *That he had repeated to them as much as he could remember*; And so the *Jury* having been for a short time sent out, and returning, it being about three in the Morning, they brought in the *Prisoner Guilty*.

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The Lord Chief Justice North coming to pronounce Sentence, said, *I think the Court were all very well satisfied with the Verdict, and the Jury did according to Justice and Right ; I thought it was a Case, that, as you made your own defence, small proof would serve the turn, to make any one believe you Guilty ; and so he was sentenced to dye as a Traytor.*

At the place of Execution upon the 31<sup>st</sup> of *August* 1681. he behaved himself with great Courage and Constancy, and expressed himself to this effect,

He professed in the presence of the *Living God*, That he was so far from being Guilty of those Treasons falsely sworn against him by the wretched and mercenary Men, Dugdale, Turberville, Smyth and Haynes, that he never spoke so much as one single word of those Treasons to them, or either of them ; or ever heard them spoke, till sworn in the Court.

He declared, that *Haynes* had discovered to him, that the *Parliament* was to be destroyed at *Oxford* ; and that *Fitz. Gerald* and his party had a design to murder the *Earl of Shaftesbury*, and that they did endeavour to bring *Macnamar* over, and said that then it would be

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well

well with them ; And *they would not be long before they had Shaftesbury's Life.*

That, as for what *Arms* he and others had, they were for their own defence in case the *Papists* should make any attempt by way of *Massacre.*

He took it upon his Death, that he was never engaged in any manner of *Plot* or *Conspiracy* against the *King*, the *Laws* or *Government*, or knew of any, except that of the *Papists.*

That if it had been true, that he was to have seized the *King*, he knew not of so much as one single Person, that was, or would have stood by him in that attempt.

That *Masters* was unjust in what he swore, in omitting the material part of the discourse about the *Parliament* of 1640, for when *Masters* cursed them and the last *Westminster-Parliament*; and charged the *Parliament* of 1640, with beginning the *War*, and cutting off the *King's Head*; he denied both, and told *Masters* that the *Papists* begun that *War*, and that the death of the *King* was the fatal consequence of it.

That *Si William Jennings* also did him wrong, for his words were, that he had lost the first *Blood* for the *Parliament*, and wish'd it might be the last. That



That he was reported to be a *Papist*, but he declared he detested Popery, and that he had lived and dyed a *Protestant*.

That *Secretary Jenkins*, my *Lord Killingworth* and *Mr Seymour*, when they committed him, did interrogate him to many things, that he should be privy to against the *King*; *Mr Seymour saying that Colledge did know, the Lord of Shaftesbury, the Lord Howard, and Mr Ferguson were also engaged*; but that he answered, were it to save his Life, he could not accuse a Man of them; nor any other Person whatsoever.

That upon the 23d of *August*, the *Messenger* who brought him the message of his Death, told him he might save his Life, if he would confess who was the Cause of his coming to *Oxford*, and upon what account? And that he answered him, *that he came voluntarily of himself, rode his own Horse, spent his own Money, and neither was invited, nor had dependency on any Person whatsoever*; and had only one Case of *Pistols* and a *Sword*, and that had the *Papists* offered to have destroyed the *Parliament*, as was sworn they would; that he was there to have lived and dyed with them.

That when he had said this to the Messenger (though the very truth) he found it was not that he wanted, and so left him with a Curse.

He concluded, *I dye by the Hands of the Enemies of the great God, his Christ, his Servants, his Gospel, & my Country; to which I willingly submit, and earnestly pray mine may be the last Protestants Blood, that murdering Church of Rome may shed in Christendom; And that my Death may be a far greater Blow to their Bloody Life, than I either have, or could have been by my Life, The Lord God Almighty save England from Popery and Slavery, bless the City of London, and unite all good Protestants in the Nation. Amen, Amen.*

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Notes

Notes upon the Tryal of *Nathaniel Thompson* (the *Popish Printer*) *William Paine* (Brother of the famous *Nevil Paine*) and *John Farwell*, upon the 20th of *June*, 1682. before the *Lord Chief Justice Pemberton*, upon an Information for Writing and Publishing Libels, importing that *Sr Edmundsbury Godfry* Murdered himself.

THE *Conspirators* from the very first discovery, resolved that the *Popish Plot*, should be turned to a *Presbyterian Plot*; pursuant thereto, the credit of the Evidence, especially from the time of the Dissolution of the *Oxford-Parliament*, in the beginning of the year 1681. had been, with matchless Impudence, and Virulence, traduced and run down, by the scriblings of *L'Estrange*, and of *Heraclitus ridens*, and the *Intelligences* of this *Thompson* now before us; so that by this time, a multitude were infected with the poison of their Works, and

and seduced into a belief, that the *Popish Plot* was a Sham; nothing but a thing raised by the *Protestants* against the *Papists*; however, it still remained upon them to wipe off the Blood of that *Martyr*, the worthy *Sr Edmundbury Godfry*, which was more then One Thousand Witnesses against them, and now, they judging matters to be ripened for it, with effronted fore-Heads, set to the Work, as will appear by what follows.

The Information against these notorious Criminals, *Thompson, Paine and Farwell*, was to this effect, That they well knowing that *Green, Berry and Hill* were Convicted, Attainted and Executed for the Murther of *Sr Edmundbury Godfry*, and that *France, Bedloe, Brown, Curtis, Skillarne and Cambridge*, were Witnesses for the King against them, and that by the *Coroners Inquest*, taken upon view of the Body, it was found, that he was Strangled and Choaked; they, to subvert and elude the due course of Law, and to defame the Justice of the Kingdom, and to render as well the Witnesses, as the *Coroner* contemptible, and to deter others from detecting the Designs of *Papists*, and to induce a belief that

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that *Green, Berry and Hill* were unjustly Executed; and that *Sr Edmundbury Godfry* was *Felo de se*, they did most impiously Compose and cause to be Printed and Published, two false Scandalous and Defamatory *Libels*, entituled, Letters to *Mr Miles Prance*; and three other Scandalous *Libels* called the *Loyal Protestant and true Domestick Intelligence*, and did, by these *Libels*, suggest, that *Sr Edmundbury Godfry* was *Felo de se*; and did reflect on every of the said Witnesses, as if they had contradicted themselves, and Insinuate, that the *Coroner's Jury* did at first declare, that he was *Felo de se*, and that the *Coroner* used much Art and Skill to procure their Verdict to the contrary.

The Jury which tryed this Cause, were,

<i>Peter Honblon,</i>	<i>George Widdows,</i>
<i>John Ellis,</i>	<i>William Sambrooke,</i>
<i>William Barret,</i>	<i>William Jacomb,</i>
<i>Joshua Brooks,</i>	<i>John Delinee,</i>
<i>Gervas Byfeild,</i>	<i>Samuel Bayly, and</i>
<i>Jonathan Lee,</i>	<i>Samuel Howard.</i>

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The Counsel for the	Mr Saunders, and
King, were,	Mr Gooding, Coun-
Mr Serjeant Maynard,	cil for Paine.
Mr Solicitor General,	Mr Talden for
Sr Francis Winnington,	Thompson.--Mr Os-
Mr Williams,	borne for Farwell.
Mr Thompson,	

*Mr Thompson* having opened the Indictment, *Mr Serjeant Maynard* spoke to the Crime, and declared it to be as impudent a thing as ever was done, in that it scandalized the publick Justice of the Nation, undertook to vindicate the Murtherers, and to accuse the Proceedings of the Nation, and then calling the *Witnesses*.

*Sr John Nicholas*, *Sr Philip Loyd*, and *Mr Bridgman*, Clerks of the Council; proved that the two Letters set forth in the Information, were shewed to the *Defendants* at the Council, and that *Thompson* owned the Printing both of them; and that *Farwell* owned the carrying the first, and *Paine* the carrying the second to *Thompson*. After reading these Letters in Court; *Thompson's Intelligence* of the 17th of March 1681, was produced, wherein it is contained as follows;

*There*

*There is not in the said Letter (meaning the said first Letter) the least Item or Circumstance, but what will be by undeniable Evidence made out to be Truth, so that Mr Prance, having not as yet vouchsafed an Answer to that Letter; he will speedily receive a further Letter, relating to that Murther; wherein the further truth will be set forth, and other Circumstances set out.*

Another of those *Intelligences* of March 11th, 1681. given in Evidence, ran thus; *Whereas Dick Janeway in this days Mercury, promises an Answer to the late Letter to Mr Prance, &c. This is to give him, and all the World notice, that such an Answer is impatiently expected by the Author of that Letter, who questions not but to prove every title of that Letter, to the satisfaction of all Mankind; and then it proceeds to challenge the Lord Mayor, Aldermen, and Common-Council, to inspect the truth of that Letter; and says, That then the Fraud and Blindness put upon the World, in Relation to the Murther of Sr Edmundbury Godfry will be manifestly proved.*

A third of these *Intelligences*, took a further step, glorying, in an imagined  
 K victory



victory in this matter, for it sayes *Last Wednesday Nathaniel Thompson, upon Summons appeared before the Lords of the Council, about the Letters to Mr Prance concerning the death of Sr Edmunbury Godfry, where he justified the matter, and produced the Authors who are ready to prove (by undeniable and substantial Witnesses, &c.) that every tittle and jota of these Letters are true, And after adds, Mr Thompson, and the Gentlemen, his Friends are to attend the next Wednesday at Council, where they do not doubt, but that honourable Board, will put them into a Method, to prove the whole, or any particular, which their Honours, in their great Wisdom shall think convenient to be brought to the Test, or Examination.*

An honest English-man, can never better express his admiration and detestation of the transcendent impudence, of these vile Miscreants, then in the Language of the late famous *Baron of Wem*, upon another occasion, with a small alteration of Words, Good God! whither were we running, when many easie People were so strangely wrought upon by these Impostors, and when the villainous and black Designs of some evil Instruments among us, were so powerfully abetted and countenanced, that they

they were arrived to this degree of assurance, that they could beguile and delude, not only some of the Shepherds of our Church of England, with their silly innocent Flocks; but even the King and his Privy-Council, into the belief of so horrid a falshood; and that at a time when not a hidden, but a deeply contrived and detected Treason was carryed on amongst us, for extirpating our Religion, (termed the Northern Heresie) our Laws and Liberties; The Conspirators had a fair Game of it, whilst these Fellows were believed; and they needed no other means to compleat their design; I cannot but say, my Blood does curdle, and my Spirits are raised, to see fellows so impudent, as to brazen it out, as these monstrous Villains do; the blackness of their Souls, the baseness of their Actions, ought to be lookt upon with such horror and detestation, as to think them unworthy any longer to tread upon the face of God's Earth. But, to return to the matter in hand, from which I have digressed;

It being, as aforesaid made out, that the Defendants had published, that, what was testified against the Murderers of Sr Edmundbury Godfry was a lye; Mr Saunders and Mr Gooding, Counsel

for *Paine*, declared it was a rash and unadvised Act, but not out of Malice ; and that he was sorry for what he had done, and had offered to give any Satisfaction.

To whom the Lord *Chief Justice* replied, *To me he said he would make it out by five hundred Witnesses*, they would make it as plain as the day : and Counsellor *Thompson* added ; since the last time that was appointed for the Tryal, they have printed that they would prove it by sixty Witnesses ; and were very sorry it did not come on.

*Mr Yalden*, Counsel for *Thompson*, said, that he thought his Client was unfortunately drawn into the business by *Paine* and *Farwell*, who turn all upon him now.

*Mr Osborne*, Counsel for *Farwell*, said, It was a foolish thing, to do as he had done, but, that his Client said he had several Witnesses, who being called ; it was manifest that *Farwell* designed, to have even then, raised a doubt whether *Sr Edmundbury Godfry* was murdered, or not ; but it appeared, that of the eleven or twelve Witnesses he called, there was not one but was as much against him as could be ; for they did plainly evince it, that *Sr Edmundbury Godfry*

Godfry was Killed, and that by Strangling, and so confirmed the evidence given against *Green, Berry and Hill*.

It being thus manifested, *that this was a cursed combination to affront the publick justice of the Nation*; and that done, to the end, to perswade the World, there was *no Popish Plot*. The Jury, without stirring from the Bar found them all three guilty of the Information; and the judgment was, that *Farwell* and *Thompson* should stand in the Pillory in the *Palace-Yard*, for one hour, the last day of the Term, and each of them pay 100 l. Fine, and to be Imprisoned till paid; and that *Paine* should only pay 100 l. Fine, and be imprisoned till paid. Upon the 5th of July 1682 according to the judgment, *Thompson* and *Farwell* stood in the Pillory with this Writing over their Heads, *For Libelling the Justice of the Nation, by making the World believe, that Sr Edmundbury Godfry murdered himself*.

Tho' this bold and daring Contrivance of these *Champions for Holy Church*, was thus happily defeated, and their own Counsel did not only declare that it was an unadvised undertaking, but some of their own Gang began to say that the

*Devil* owed them a sham ; yet, no doubt of it the design was better laid, then some imagined. But what fence for ill luck ? They did confidently rely upon the *Council-Board* to cherish the undertaking, and to instruct the prosecution thereof, and nothing disappointed them there, but an unlucky mistiming the matter. They also knew full well, that the credit of *Poper*y must be restored and that, by suppressing the evidence of their Plot, and that if one thing failed, another would hit ; they remembered the *Prophecy* of one of the Guides of the hare-brain'd *Tories*, *Heraclius Ridens*, who fore-told, soon after the election of *Sr John Moore* to be *Lord Mayor* ; that at or before 1683. they should have *Furies* for their turn, and, that then talking to the *Whiggs* about hanging, that *Author* with great assurance told them, *They must come to't, and should come to't* ; so that all had been *Cock-sure*, if they had tim'd it, so as to have had it tryed, before any one of the corrupt and murdering *Jurys*, which that year of 1683. furnished for my *Lord Russel*, *Colonel Sidney*, and others.

Reflections upon the Tryal of  
*Thomas Pilkington, Esq;* and  
*Samuel Shute, Esq;* Sheriffs of  
 London. And of

<i>Ford Lord Grey,</i>	<i>Mr Richard Freeman,</i>
<i>Alderman Cornish,</i>	<i>Mr Robert Key,</i>
<i>Sr Thomas Flayer,</i>	<i>Mr John Wickham,</i>
<i>Slingesby Bethel, Esq;</i>	<i>Mr Samuel Swinmock,</i>
<i>Mr Francis Jenks,</i>	<i>Mr John Jekyl, and</i>
<i>Mr John Deagle,</i>	<i>Mr R. Goodenough.</i>

*Upon an Information for a pretended  
 Riot at Guild-hall, at the day for Election  
 of Sheriffs, being the 24th of June, 1682.*

**T**He Conspirators, having in the begin-  
 ning of the Year 1681, delivered  
 themselves from the danger of Parliaments:  
 They well knew that there then stood  
 nothing in their way, but the old fashio-  
 ned, abhorred way of Tryals by Juries:  
 Therefore, they must now (to cut off  
 all who stood in their way) have Jury-  
 Men, as they had already Judges, at  
 their own Nomination and Devotion, so

In October 1681, *Sr John Moore* is  
 made Lord Mayor of London; than which

(to the discerning part of Mankind) nothing was more portentous, nor of worse *Omen*; and the dire effects with that foreboded were quickly felt; For now (*the Lord Mayor giving himself up, intirely and implicitly, to the dispose and conduct of Sr Leoline Jenkins*) all things went according to the Will of the *Conspirators*.

The great care now is, how to get such *Sheriffs*, as would furnish proper *Juryes* to serve the turn; for securing this great point, the *Mayor* is closely plyed by their little *Engines* in the *City*; and directed to insist upon a pretended *Prerogative*, to elect one of the *Sheriffs*; This point being gained upon him, they bethink themselves of a fit Man; and incline to *Sr Benjamin Newland*, but at length they pitch upon *Mr North* (*late-ly returned from Turkey, Brother to the Lord Chief Justice North*) He readily embraces the Employment, and before the day for election of *Sheriffs* was come (a thing never before known) he seals a *Bond* to the *Court of Aldermen*, to hold *Sheriff*; and the *Gazette* proclaims it to the *World*, that the *Lord Mayor* had elected *Dudley North Esq; Sheriff of London*

The



The *Conspirators* and the *Mayor*, having thus acted the matter by concert, *Midsummer-day*, the accustomed time for Election of *Sheriffs*, being come; the *Mayor* insists to have Mr *North* admitted as one of the *Sheriffs*, and his Party put up Mr *Box* to be joyned with him; But the *Citizens* withstood the *Mayor's* Usurpation upon their undoubted Rights; and proceeded according to immemorial Custom, to Elect their *Sheriffs*; and fixed upon those well-deserving and eminent *Citizens*, Mr *Papillon*, and Mr *Dubois*; who were chosen upon the view, by a very great majority of *Voices*.

Hereupon, to gain time for Consultation, how to trick this Election; the *Accomplices* of the *Conspiracy*, demand a *Poll*, that being yielded to them; the *Sheriffs* went upon the taking the *Poll*; and it being far proceeded upon, and it appearing that there were two to one of the *Electors*, polled for Mr *Papillon* and Mr *Dubois*; the *Mayor* was sent with a *Rabble*, in a *Tumultuous* manner, to interrupt the finishing the *Poll*, by Adjourning the Court.

The *Sheriffs*, Mr *Pilkington* and  
Mr

Mr Shute, well knowing the *Managment* of the *Election* to belong to them; continued for some time to proceed in taking the *Poll*, and then adjourned to the Tuesday following.

The *Conspirators* call this a Riot, (as in truth it was of their own side) and the *Council* at *Whitehall*, commit the *Sheriffs* to the *Tower*; and there lock them up, till, by an unlucky *English* Instrument, called an *Habeas Corpus*, the *Tower* Gates were forced open; they nevertheless with undaunted resolution, persisted to assert their own and the *Citizens* Rights; and declared *Mr Papillon* and *Mr Dubois*, to be *Elected Sheriffs*.

Then it was proposed and consented to, that a new *Poll* should be taken; which being done, it appeared, that *Mr North* had 170 *Voices*, *Mr Box* 1353. and *Mr Papillon* and *Mr Dubois*, upwards of 2700. and they are a second time declared to be *Elected Sheriffs*.

Thereupon, upon the 20th of *July*, divers eminent *Citizens* attended the *Lord Mayor* and *Court of Aldermen*; and for themselves, and on behalf of the rest of the *Citizens*, demanded, that they would cause *Proclamation* to be made

made, for Mr *Papillon* and Mr *Dubois*, to appear and seal Bonds, according to Custom; to take the Office of *Sheriffs*; And at the same time, they entered a *Caveat*, to Mr *Wagstaffe* the *Town-Clerk*, against the swearing and admitting, Mr *North* and Mr *Box*, *Sheriffs*.

However, the Lord *Mayor* by the direction of Sr *L. Jenkins*, and the influence of *Saunders*, and of *Jefferies* (both declared Enemies to the City Rights, and at that time, of *Council* with the *Conspirators*, for the overthrow of their *Antient Charters*) assumes the boldness to declare, both Mr *North* and Mr *Box*, *Sheriffs*; and so ravishes from the *Citizens*, the right to Elect either of the *Sheriffs*; But Mr *Box* appearing to be endued with a better stock of Discretion, than to undertake the Office, upon that Title, declined it; Whereupon 'tis resolved that Mr *Rich* shall be the Man, and a *Common-Hall* being called, a little before *Michaelmas*, where, tho' above ten to one were found against *Rich*, yet, the *Common Serjeant* (who was deeply engaged in the *Intrigue*) makes report to the *Mayor*; as was before concerted; that Mr *Rich* was Elected,  
and

and so, without more to do, he is declared Mr North's Partner.

Upon the day for swearing the new Sheriffs, being *Michaelmas-Eve*, 1682. The *Citizens* went in a very great Body to *Guild-hall*, to present Mr *Papillon* and Mr *Dubois* to be sworn, but were withstood by *Souldiers*, Armed with *Pikes and Musquets*, then in possession of the *Hall*; By these means, and in this *Military, Arbitrary*, and most *Illegal* way, were Mr North and Rich constituted Sheriffs of *London and Middlesex*, to the unspeakable joy of the *Conspirators*, and their insipid *Adherents* in the *City*.

These new Sheriffs, to gratifie their *Faction*, and to oblige the *World*, with notice of what must be expected from them; At the publick *Feast* upon their entring upon the *Office*, They entertain their *Crew* with these *Rhimes*, Sung at their own *Table*,

Thanks to Sr John, our good Lord Mayor,  
 'Gainst Sheriffs tricks he kept the Chair;  
 Then to the famous Sr John Moore,  
 May after Age, that Name Adore.  
 For Ropes and Gibbets the next year;  
 The Whigs, we hope need not despaire;

If

*If Rich find Timber (give 'em scope)  
 Brave North will never grudge 'em Rope.  
 Then to brave North a double Dose,  
 Who the strong Factions did oppose.  
 Then to brave Rich a Health off hand,  
 Who the loud Tumults did withstand.*

Well, to be serious, and after a too tedious digression, to return to the matter proposed; These *Sheriffs*, being thus settled, and by consequence, *Jurys* to serve the turn, at hand; They set themselves to a vigorous prosecution of the *Quo Warranto*, brought against the *City Charters*; and of an *Information* exhibited about this notorious and horrid *Riot*; and to make sure work herein, they cast an Eye into *Westminster-Hall*, and finding *Sr Francis Pemberton*, Lord Chief Justice of the King's-Bench would not serve this purpose; He is thrust down into the *Common-Pleas*; with a Complement from the Lord Keeper North; that no Man's services were more eminent nor better accepted, than my Lord Chief Justice Pemberton's; And Mr *Saxanders* (the Counsel against the City upon the *Quo Warranto*, and Adviser of the Lord Mayor's most extravagant proceeding

ing in the matter of the Sheriffs) is upon the 23d of January 1682, promoted to be Lord Chief Justice; being then told by the Lord-Keeper; *That the King's People might not suffer in the want of so good a Magistrate as his Predecessor, his Majesty had taken care in the choice of him, to succeed in that great and important Office; he being a Person of manifest Integrity and Affection to the King's service; And that his Lordship might lay without flattery, that he came into the Seat of Lord Chief Justice, with as few Passions and personal Frailties as any that had been before him. [Merbinks Sr Matthew Hale or Sr William Scroggs, might have been excepted.]* That the Age was so degenerate, and full of Faults; *Faults of Irreligion, Immorality, Debauchery, &c.* that it required more than a Man to censure them. And, his Lordship added, *That the temper of the present Age required his Severity in cases of Sedition, Which, he said, was awfully grown to that height and Insolence, and managed with that Malice, that it was very near breaking out into open force.*

All things being now thus well prepared; upon the 8th of May 1683, the matter of the Riot is brought to Tryal at Guild-

*Guild-hall* before this vertuous Lord Chief Justice Saunders, upon an *Information* to this effect.

*That upon the 24th of June 1682. in Guild-hall, there was a Common-Hall summoned by Sr John Moore Lord Mayor, for the Election of Sheriffs; and that on that day, the Lord Mayor in a lawful manner adjourned the Court, till Tuesday following; That after the Adjournment, the Lord Mayor made Proclamation for all persons to depart; That the Defendants intending to disturb the King's Peace, did unlawfully meet together, and riotously assault the Lord Mayor; And, that after the Adjournment, Mr Pilkington and Mr Shute, by colour of their Office, as Sheriffs; and the rest of the Defendants, did continue the Poll, and affirm to the People, that Sr John Moore had no power to adjourn them; and that they continued this great Tumult three hours; to the terror of the King's Subjects, and against the Peace.*

The



The Prosecution of  
this *Information*, was  
managed by,

*The Kings Atturney  
General,  
Solicitor General,  
Sr George Jefferies,  
Mr Dolben,  
Mr Jones, and  
Mr Molloy.*

And defended  
by,

Mr *Wallop*,  
Sr *Francis Winning-*  
*ton*,  
Mr *Williams*,  
Mr *Thompson*,  
Mr *Holt*,  
Mr *Sommers*, and  
Mr *Freke*.

Mr *Sommers* and Mr *Thompson*, upon  
calling the *Jury*, offered a *Challenge* of  
the *Array*; and pressed to have it read,  
which being done; Sr *George Jefferies*  
called it a *Tale of a Tub*, But Mr *Thomp-*  
*son* persisted, *Urging*, that *Sheriff North*  
was interested in the matter, and if  
Sr *John Moore* had not Authority to Ad-  
journ the *Poll*; Mr *North* was not duly  
chosen *Sheriff*; and so ought not to re-  
turn a *Jury*; the very Title, to the Of-  
fice of *Sheriff*, being in question.

This point was further pressed by  
Mr *Williams*, Sr *Francis Winnington*, and  
Mr *Wallop*; but opposed by the *Attur-*  
*ney*, and *Solicitor General*, and *Jefferies*;  
and over-ruled by the *Lord Chief Justice*,  
Then,

Then, Mr *Thompson* prayed the Benefit of a Bill of *Exceptions* ; but that was also over-ruled ; and the *Jury*, returned by the *Sheriffs*, who were forced upon the City by the true *Rioters*, were,

Sr Benjamin Newland,	Henry Wagstaffe,
Sr John Mathews,	Barth. Ferryman,
Sr John Buckworth,	Tho. Blackmore,
Sr Tho. Griffith,	Samuel Newton,
Sr Edmund Wiseman,	William Watton, &
Percival Gilburne,	George Villers.

Then Mr *Dolben* opened the *Information*, and Mr *Attorney* followed, saying, That the *Information* was brought for settling the Peace of the City, and to shew who is the *Supream* Magistrate there; That the *Lord Mayor* in all times, was the *Kings Lientenant* ; and no publick *Assemblies* could ever meet, without his *Summons* ; That the question was about the *Election* of *Sheriffs* ; That the *Lord Mayor* adjourned the Court ; and the *Sheriffs* proceeded, and made *Proclamation*, that it was not in the power of the *Mayor* ; and continued the *Poll* in a *Riotous* manner ; and when the *Mayor* attempted to go out of the *Hall* ; they struck him,

L                      struck

*struck his Hat off, and pressed several of the Aldermen; That if the others had made opposition, all had been in Confusion, upon this Usurpation.*

To this, Mr Solicitor added; That after my Lord Mayor commanded them to depart, they continued their Assembly there, in a very riotous manner, and as my Lord came down, they offered Insolencies to his Person.

Then comes Sr George Jefferies (the main Contriver and Abettor of the Lord Mayor's most daring and unjustifiable attempt) and tells the Jury; That the Rabble came upon my Lord Mayor; had him down upon his Knees, and if some Gentlemen had not come in, they had trod him under feet; He then called Sr William Hooker, Mr Lightfoote, Mr King, the Common Serjeant, the Common Cryer, the Sword-Bearer, and Mr Bancroft; to testifie (as they did) that the Lord Mayor, did always convene and dismiss the Common-Hall, and, as to the matter in question, the Common Cryer evidenced, that about five or six of the Clock, he adjourned the Court by my Lord Mayor's Order, to the Tuesday following.

Mr

Mr *Weston* witnessed the same, about the Adjournment; and that he saw my Lord's Hat off; and his Train bearer, was knock'd down, or fell down.

The Common Serjeant evidenced, that he heard them (but could name no Person) cry out, No God Bless the King; down with the Sword; No Lord Mayor; No King. And he affirmed, that he had the sole management of Elections of Sheriffs, as the Duty of his Place.

Then *Cradock*, and others, witnessed that the several persons charged in the Information, continued upon the place, after the Adjournment: And *Cradock* said, that Mr *Bithel* came to him and bid him resist my Lord Mayor.

*Major Kelsey* declared, That he saw my Lord Mayor's Hat upon his Back: And *Captain Clark*, said, that he heard above a hundred hiss and cry, No King's man, upon the proclaiming, God save the King; and that they also cryed, Press on, press on.

*Higgins* said, that some cryed, God save the Protestant Sheriffs; down with the Sword; and that after the Lord Mayor was gone home, he saw one Freeman (whom they call the Protestant Cheesmonger) calling to Poll to Poll; And that he heard

*Alderman Cornish* tell the *Sheriffs*, they were doing right; and you shall have all right done to you; *Higgins* added, that he was saying, you are all in a Riot; and *Mr Swinnock* said, this is no Riot——I can never meet you, but you are railing against the King's Evidence.

Note, This *Spark Vavasor*, was the malicious and implacable Moyer and Promoter of the unjust Prosecution of honest *Mr VVilmore*; and said, This Dog *VVilmore*, this *Ignoramus Dog*, If I do but rout him, I shall be made the *King's Attorney*.

Had *Mr Attorney General* known, that he had the Ambitious thought of supplanting him, he would not have given him this lift towards the Office of *Kings Attorney*, by making him one of his *Majesties VVitnesses*.

*Mr Vavasor* (called by *Mr Attorney General*) witnessed that *Sheriff Shute* ordered *Proclamation* to be made, and told them, *whereas my Lord Mayor had taken upon him to Adjourn*, We the *Sheriffs*, being the proper Officers; do Ad-

journ to *Tuesday* at nine of the Clock; And *Vavasor* added, that had it not been for *Trice Hammond*, he believes he had been trod under foot.

Then *Farrington* testified, that, *Mr Wickham* a *Scrivener* said to him, My

My Lord Mayor has nothing to do here, We will not be ruled by any of your Tory Lord Mayors; and he added, that they fell about him, and he was in great danger of mischief, for they trod upon his Toes.

Mr Kemp, testified, that Mr Deagle confessed to him, that he was there about seven at night, with Alderman Cornish.

It will no doubt, be a warning to Mr Deagle, to go, upon his next transgression, a little further than *Pater Noster-Row*, for a Confessor.

Mr Williams then urged on behalf of the Defendants; That for the Cries and Disorders, nothing was fixed upon them; and it appeared not, whether one Party, or other made the noise; That, the question here was, whether the Sheriffs did more than their Office; and he did not see the Government concerned, one way or other; — That here is nothing more proved, than the continuing the Poll, and it will be very hard to make them guilty of a Riot.

Sr Francis Wmington added; That at this rate, They that are the greatest Number (or rather the most powerful Party) may, upon every occasion, make them, against whom the Election is carried, to be Rioters.

Then Sr Robert Clayton witnessed, That when he was Lord Mayor, a Person whom he drank to, for Sheriff, was rejected by the Common-Hall; and they were left to choose two Sheriffs for themselves; That the management of the Election was left to the Sheriffs; who did grant a Poll, and managed it; which Sr Robert took to be their duty; and did not apprehend it to be his right. That that Poll was the most litigious he had known; and lasted five or six days, and the Sheriffs adjourned it, without consulting him, or receiving any direction from him; for he did not look upon it to be in his power.

Here, the Attorney General and Mr Jones (designing without doubt to catch this prudent and well-deserving Gentleman; as they lately had the worthy Sr Patience Ward) did mightily labour to have him be positive in his evidence; but, he not being to be so ensnared, declared, that he spoke to the best of his remembrance, every thing he said.

Alderman Love then witnessed, that when he was Sheriff, about two & twenty Years ago, he took it for granted, that it was the Sheriffs Office, to manage the Common-Hall; as my Lord Mayor's was, to have a Sword born before him; and  
that



that he received it by Tradition from all before him: That in his Sherifffalty, when they came to chuse Sheriffs; the Lord Mayor said to him and his Brother; Gentlemen, look to your Office; that one was put in nomination who had been drank to; and, he being a sitting Alderman; he was chosen with another; He added, that had my Lord Mayor gone about to intermeddle; he should have desired him to meddle in his own Office, and let him alone with his. That he never knew or heard, that the Lord Mayor interposed, till of late years; but the Sheriffs managed the whole business of chusing Sheriffs.

Deputy Sibley then testified, that he had been of the Livery ever since the Year 1639. That, in all his time (except of late) the Sheriffs had the management of the Election; and the Lord Mayor never interposed; but he and the Aldermen, went off the Bench.

Mr Winstanley testified, that when Sr Samuel Starling was Mayor, Sr James Edwards, and Sr James Smyth, the Sheriffs, managed the Poll, between Mr Kyffen and Sr Robert Clayton.

Mr Wallop then put this Case; in a  
L 4 point

point of right ; if there be a probable Cause to insist upon it ; Suppose I send three or four Men to a Wood, and take a Car or Team ; if they be a competent Number to cut down Wood ; if I am mistaken in the title, that is no Riot.

Then Mr Roe testified that he saw a Rabble, of about one hundred in the Street, with their Hats upon Sticks, crying, *damn the Whiggs*; & they declared, that they did it, to stop the Polling for Sheriffs.

Then something in excuse for the Lord Grey's being there was offered.

Sr Simon Lewis and Sr Jonathan Raymond, who were Sheriffs in Sr Robert Clayton's Mayoralty, then said, That upon the first day of Election of Sheriffs, my Lord Mayor adjourned the Court; and that afterwards they only appointed from day to day till the Poll was ended.

The Common Serjeant out-stripped these Gentlemen, and now declared, that upon the Poll for Mr Bethel and Mr Cornish, against Mr Box and Mr Nicholson, in the Mayoralty of Sr Robert Clayton; every Adjournment was made, by my Lord Mayor's direction to him.

[ This Gentleman's endear'dness to Jeffries

*Jeffries did sufficiently dispose him to give his best assistance to the Conviction of these worthy Citizens, aimed at in this prosecution; and it may be suspected that it would not have much displeased him, to have seen them capitally accused; for he was heard to say at Tunbridge, to some of his Confidants, soon after my Lord Russel's Death, That the Plot, at present lay amongst Lords and Country-Gentlemen, but when it came into the City, they should see what work it would make.]*

*The Attorney General concluded, saying, This matter relates immediately to the Government: here is the publick Peace of the City in danger, and if my Lord Mayor had been a person of great Spirit, and had raised others to suppress this Riot; then the City had been in a fine condition; therefore, Gentlemen, it is hoped you will settle the City, by destroying this pretence, which has been fluttering in the Air; but hath no ground for it.*

*Then, the Chief Justice summing up the matter, told the Jury; That the Rioters would make the Sheriffs, the Men; and that the Lord Mayor was no body; and that it was something of the Commonwealth Seed, that was like to grow up  
among*

*among the good Corn.——That the Jury must consider, whether these Gentlemen did not in a tumultuary way, make a Riot, to set up a Magistracy, by the power of the People——That in truth, the King must be put out of his Throne; to put these two Sheriffs in it.——That it was to dethrone the King, as far as they could.——That my Lord Mayor himself, had like to have been trod under foot; his Hat was down——That, all this Flame took fire from this Spark; That the Sheriffs might do what they thought fit, about chusing Officers.*

Hereupon, the Jury having found the Defendants guilty: Upon the 26th of June, Justice Jones, declaring the heinousness of the Fact, and what an evil President it might prove, if it should pass unpunished; after a little Whispering, with his Brother Wythens, awarded the following Fines to be paid (*viz.*)

Mr Pilkington (to whom Royal Mercy was extended, in regard, he was a Prisoner upon Execution for 100000 l. given by a Loyal Hertfordshire-Jury, for Words about the Duke of York) only 500 l.

Mr Shute 1000 Marks.

Lord Grey 1000 Marks.

*Alderman*

*Alderman Cornish* 1000 Marks.

*Sr Tho. Player* 500 Marks.

*Mr Bethel* 1000 Marks.

*Mr Jenks* 300 Marks.

*Mr Deagle* 400 Marks. (*Quere If not  
bestemed upon Kemp for betraying  
his Neighbour.*)

*Mr Freeman* 300 Marks.

*Mr Key* 100 Marks.

*Mr Wickham* 100 Marks.

*Mr Swinnock* 500 Marks.

*Mr Jekil* 200 Marks.

*Mr Goodenough* 500 Marks.

The black Representation of the demeanour of the *Sheriffs*, and many of the most valuable Persons in the *City*, upon this Election of *Sheriffs*; as, that it was a *Branch, a Limb*, any thing, or every thing, of an horrid *Fanatical Conspiracy against the King's Life*; A deliberate design to *spoil the Crown, the Church and the Subject*. The impetuous prosecution of the *Information*; The strange practices to procure the *Conviction* of the Persons now named; the exorbitant *Fines* imposed upon them; And, to add no more, the avouching and out-facing the accession of the *Tory Crew*, to most of  
the

the extravagant and arbitrary Practices of the late *Reigns*; in the attempt (even in the beginning of the auspicious *Reign* of their present *Majesties*, whom God long preserve) to bring *Sr John Moore* a second time to the *Chaire*, and that at a time when the House of *Commons* had received *Petitions*, charging him with high Misdemeanours, in his *Mayoralty*, and were proceeding to the examination thereof; I say, the consideration of these things, may well justify the Remarkings with some plainness, the transactions at *Guild-hall* upon the memorable 24th of *June* 1682, so that *Truth* may be vindicated against *Calumny*.

As to the Evidence of the Riot and Disorders, given by *Sr John Moore's* Witnesses, some things seem pretty observable, as,

1<sup>st</sup>. Though the Witnesses were all forward enough; the most *Splenetick, violent and imbittered Tories*, saw and heard most, indeed every thing, for Instance; *Mr Bethel*, amongst the many hundreds or thousands there Assembled, unhappily chopt upon (or rather sought out) *Cradock*, for he swore *Mr B.* came, to him and bad him resist my Lord Mayor.

Captaine

*Captaine Clarke* heard above one hunderd his and cry *no King's Man*, upon the proclaiming *God save the King*, and yet it was not heard by one other, of more than twenty Witnesses produced on that side. The Common Sergeant went a step higher than *Clark*, for he, and no body else, heard them cry, *No Lord Mayor, no King*.

2dly, *Captain Clarke* heard the People cry, *Press on, press on*; *Major Kelsey* saw my *Lord Mayor's Hat* upon his Back; *Vavasor* was in danger of being trod under foot; Nay, the *Rogny Whigs* trod upon *Farrington's Tery Toes*; but they paid dear for it, for he Swore Mr *VVickham* in for his 100. Marks. But, which was worst of all, there was such a Crowd, my *Lord Mayor* (takeing a false step) had like to have got a fall.

Now, tho' it may be thought, that but few of these *Gentlemen-Witnesses* do frequent thronged Churches; yet they will not deny, but when they have gone to divert themselves, with the lashing of the *Whiggs*, at one or other of the *London Churches*, upon a Set-day, they have been in such haste, to get out to the *Wonder Tavern* to drink their Confusion, that they have not only used this naughty Language



guage now complained of, *press on, press on*; but have also (*in a riotous manner*) trode upon one anothers *Toes*. But if so, it may be objected, that it was amongst themselves; so in truth was this We are talking of, for the matter was no other than this,

Heat of the *Brains*, reigning at that day to an high degree, amongst many of that party; when my *Lord Mayor* went out of the *Hall*, towards the *Sheriffs*, who were taking the *Poll* in the *Guild-Hall-Yard*, the *Crowd* of his own furious *Followers* (of whom every one strove to be foremost) *press'd* upon him; and by that means, and no other, did the disaster happen, of his *Lordship's Hat* falling from his *Head*.

To conclude, though the carriage of things at that time of the swearing *Mr North* and *Mr Rick, Sheriffs* (when that notorious *Usurpation* upon the *Citizens* right, was justified by *Baskaw Quiney* and his *Janazaries*) did treat an apprehension, that no *Laws, Usages* or *Customs*, would be regarded, when they came in competition with the designs then on foot; yet the *Citizens*, asserted their *Rights* with all modesty, and the *Sheriffs*,

riffs, in the whole proceeding, carried themselves, with all imaginable impartiality, and with the greatest regard to the Quiet and Peace of the City.

Having just touched the unheard of practice, of bringing the *Military Power*, to strike a Terror into the *Citizens*; and thereby to wrest from them their undoubted privilege of chusing *Sheriffs*; I shall take leave to subjoyn a brief account, of the *Indignities & Violence* then used towards several of the *Chief Magistrates* of the City; but shall by the way (though it comes not in its proper place) present the Reader with a Transcript, of the New-fashion'd *Summons*, issued by the *Lord Mayor*, upon the extraordinary occasion, which then appeared, *to have Sheriffs of Sr L. Jenkins his Nomination*.

### By the Mayor.

**T** Hese are to require you, that on Midsummer day next (being the day appointed, as well for Confirmation of the Person who hath been by me Chosen, according to the *Antient Custom and Constitution* of this City; to be one of the *Sheriffs* of this City and the County of Middlesex,

Shire, for the Year ensuing; as for the Election of the other of the said Sheriffs, and other Officers) you cause the Livery of your Company to meet Together, at your Common-Hall, early in the Morning, and from thence to come together, Decently and Orderly, in their Gowns to Guild-Hall, there to make the said Confirmation and Elections.

Given this 19th Day of June, 1682.

Wagstaffe.

To return to what was last proposed; The accustomed day for Swearing the Sheriffs being come, the Aldermen were called to Guildhall, by Summons from the Lord Mayor, as follows.

Sir, your Worship is desired to be at a Court of Aldermen at Guildhall, on Thursday at nine of the Clock in the forenoon, in your Violet Gown and Cloke; it being the 28th of September.

Hereupon, at that hour, six Aldermen (viz.) Sr John Laurence, Sr Robert Clayton, Sr Patience Ward, Sr Thomas Goold, Sr John Shorter and Alderman Cornish, went, with Mr Papillon and Mr Dubois, to Guildhall; where Quiney, in a very insolent manner came to them, and told them, he  
bad

had a command to keep the Hall clear; whereupon they demanded, whether he did not know them to be Magistrates, of the City, and could believe his Order reach'd them; he replied, that he knew them, and they must remove; They then said, they were summon'd and attended in all peaceableness; quickly after, he accosted them again, saying, Gentlemen; you must withdraw, I have a command to require it; They then demanded a sight of his Warrant, but (huffing) he said, he would shew none to such as they were; and then laid hold of Sr P. Ward, saying, Sr, you must remove; and in the same manner laid hold of Sr John Laurence, pulling him with such violence, that he had like to have thrown him down; and treating the rest of the Aldermen in that manner, they were all forced to retire; in this proceeding, he was abetted and supported by, Mr Wythers, Wiseman, Nichols, Steverton, &c. then present in Guildhall. (proper men to be returned to serve upon the Jury in the foregoing Cause).

The Lord Mayor being come to the Court, Mr Papillon and Mr Dubois declared, that they were ready, and did there tender themselves to take the Office of  
M Sheriffs,

Sheriffs, *and to be sworn*; and humbly prayed the Answer of his *Lordship & the Court*; but without condescending thereto, the *Mayor* went to the *Hustings*, calling Mr *North* and *Rich* to follow him; and there, calling them to the *Book* to be sworn, Mr *Papillon* and Mr *Dubois* offered themselves to be sworn, and Mr *Papillon* laid his hand on the *Book*; but his *Lordship* and Sr *J. E.* Sr *W. P.* and some other *Aldermen* commanded them to forbear, *and keep the Peace and be gone*: Some of the *Aldermen* claimed to be heard, but the *Mayor* refused it, and proceeded to swear *North* and *Rich*; whereupon the duely elected *Sheriffs* with the six *Aldermen*, withdrew, protesting against those irregular and arbitrary proceedings.

Remarks

Remarks upon the Tryal of my  
*Lord Russell*, upon the 13<sup>th</sup> of  
 July, 1683.

**U**Pon the Discovery of the *Papish*  
*Plot*, the *Conspirators*, finding their  
 measures to be broken, as indeed were  
 those of the *French King* all over *Europe*;  
 they advised *King Charles the Second*, to  
 make use of the Discovery, as a Cripple,  
 to beg Money of the then approaching  
*Parliament*, which was immediately to sit;  
 for the better effecting thereof, the ob-  
 sequious *Clergy* were privately instructed  
 to Preach against *Popery*, and to magni-  
 fie the Discovery of the *Plot*; this  
 Doctrine was thundered out from the  
 Pulpits, till the Dissolution of that no-  
 torious *Pentionary Parliament*. Having  
 then found their hopes dash'd, new In-  
 structions were given, and the *Clergy*  
 advertised that there was some fear from  
 the *Dissenters*, but yet for a time, they  
 were to Preach against *Popery*, but not  
 to talk of the *Plot*; this humour conti-  
 nued till the *Dissolution* of the *Parliament*

which met in *March* 1678. & was dissolved in *May* following, 1679. Then they received advice that there was a *Presbyterian* as well as a *Popish* plot; this made the *Ecclesiastical Drums* beat loudly against *Dissenters*, and that work was closely followed, till the breaking the *Parliament* at *Oxford*, in the beginning of the year 1681. When the *Conspirators* - influenced too many of the *Pulpits*, to thunder against the credit of the *Popish* plot, and to insinuate a belief of a *Presbyterian Plot*; which they were all the while hammering; and by this art, they did at length usher it into the *World*.

*The Nobility and Gentry of England*, to make bold with their own words in their *Memorial* for our now Gracious *King* and *Queen*, then *Prince* and *Princess* of *Orange*; had been, as they therein freely confessed, too slow to believe the desperate *Popish Plot*, and had been deluded with the *King's Promises* to protect and maintain the *Protestant Religion*, and the *Laws and Government* of *England*; until they saw them all undermined: But many discerning this *Delusion*, more early than others did, the never to be forgotten



forgotten *Duke of Monmouth*, *Earl of Essex*, *Lord Russel*, and *Colonel Sidney*; with some other great and valuable Persons, who were of that well-grounded Opinion; *That a free Nation, like this of England, might defend their Religion and Liberties, when Invaded and taken from them, under pretense and colour of Law*; began to bethink themselves how to restore *Parliaments* to their antient freedom, and to deliver the *Nation* from the fury of that *Torrent of Popery*, which they wisely fore-saw ready to break in and carry all before it.

At this juncture the *Conspirators* laid hold of the *Information* given by *Keeling*, of unadvised and rash Discourses of a very small number of Men, (nine or ten at the most, all Strangers to the Persons and honest Consultations of those great Men before named) and they cunningly and maliciously, patch'd and work'd it into one piece, and emitted it to the World by their *Declaration*, read in all *Churches*, under the name of a *Presbyterian* or *Fanatick Plot*, which they had long wanted.

Hereupon a *Proclamation* pursues the *Duke of Monmouth*, and some others

(designed for destruction) who chose to stand aside, out of the reach of the *Blood-thirsty Conspirators*; But the *Earl of Essex*, my *Lord Russell*, and *Colonel Sidney*, would not be overcome by the persuasions of those who invited them to safe retirements; and so were clap'd into the *Tower*, and afterwards, in different ways butchered.

It was resolved that my *Lord Russell* (*the Honour of his Age*) should be cut off in a seeming way of *Justice*; and as he was a *Person of inestimable value*, so the art used to destroy him was extraordinary; in the first place, The *Conspirators*, to introduce a belief of his *Lordship's* guilt, procure two Persons charged with *Keeling's Plot*, to be convicted just before my *Lord* is brought to *Trial*; reserving other two of them, of whose *Conviction* they more doubted, to be tried after his *Lordship*.

Then a well prepared *Pannel of Jurors* (many of them train'd and disciplin'd under *L'Estrange*, and some Inferiour *Clergy-Men* his *Prostitutes*) was returned by *Sr John Moore's Sheriffs*.

Matters being thus prepared, He is brought upon his *Trial* at the *Old-Bayly* upon

upon Friday the 13th of July 1683; At the instant of entring upon it, the *Conspirators* cut the *Earl of Essex's* Throat in the *Tower*; and to facilitate the dispatch of the *Lord* then at the *Bar*, they immediately intimate by an express to the *Old-Bayly*, that the *Earl of Essex* had murdered himself; from hence a wicked (and unquestionably a premeditated) Inference is raised, of the good *Lord Russell's* guilt, and by this *diabolical* contrivance, the *Blood* of the *Earl of Essex* is made a main Evidence towards the *Prisoner's* Conviction, that being accomplished; upon the day ensuing, the *Verdict* of his guilt, is made an Argument to seduce and delude the *Coroner's* Inquest, into a belief that the *Earl of Essex* had destroyed himself.

The Jury being called, his *Lordship* was over-ruled in his *Challenges*, of those of them, who were not *Freeholders*; though the learned in the *Laws*, did and do say, that he was entituled to those *Challenges* not of *Grace* but *Right*; and the same was allowed to others by my *Lord's* *Prosecutors*, at such Seasons, when it would not disserve their turn; thus the *Estate, Honour and Life* of this *Noble*

Lord, are put into the Hands and Power  
of *Tradesmen* and *Shop-keepers*.

He being charged with an *Indictment*  
for *high Treason*, the right of my Lord's  
Challenging for want of *Freehold*, was ar-  
gued and insisted upon by his *Council*,

*Mr Pollexfen*, *Mr Holt*, and *Mr Ward*.

But was opposed by

*The Attorney General*,

*The Solicitor General*,

*Sr George Jeffryes*, and

*Mr North*.

And was over-ruled by the *Judges* up-  
on the Bench who were,

*The Lord Chief Justice Pemberton*,

*The Lord Chief Baron*,

*Justice Jones*,

*Justice Wyndham*,

*Justice Charleton*,

*Justice Levins*,

*Baron Streete*, and

*Justice Wythens*.

Then the following *Jury* were sworn,

*Jahn Martin*,

*William Rouse*,

*Gervas Seaton*,

*William Fashion*,

*Thomas Short*,

*George Tory* *Ano*.

*William Butler*,

*James Pickering*,

*Thomas Ieve*,

*Hugh Noden*,

*Robert Braugh*, and

*Thomas Oneby*.

Then

Then Mr North the King's Counsel, opened the Indictment to this effect, *That the Prisoner stood charged with no less than conspiring the Death of the King, and that in order to it, he with other Traytors, the second of November, 1682, conspired to raise War against him, and to Massacre his Subjects, and to seize his Guards and Person.*

The Attorney General, (being so hot upon this bloody pursuit, that he had before positively

*refused to defer the Tryal till the Afternoon* \* and imposed upon the Court to go instantly upon it) did now apply himself *totis viribus*, to impress the Jury, telling them that the Prisoner

\* 'Tis probable that he might imagine that by the Afternoon the suspicion of the Earl of Essex's Assassination might reach the Ears of the Jury, as it did in a few hours many about the Town, and then Mr Attorney had lost that which he made a mighty part of his Evidence.

was one of the Council of State (as he in a scornful way expressed himself) to give forth directions for the general Rising, that (as had appeared) was to be in the Kingdom; That the Rising was of great concern and expence, and must be managed by Persons of Interest, Prudence

dence and Secrecy — That they consulted in *October* and *November* how to seize the *Guards*, and at several meetings, they received Messages from my Lord of *Shaftesbury*, touching the *Rising*. That this was the great Consult, and moved all the *Wheels*. That there were *Underlings* who were to manage the *Assassination* — who were an inferior Council of seven. That there was a great Council of six, who were the *Prisoner*, the *Earl of Essex* (whom he pretended he was sorry to name, he having that

\* Note, this was spoken within an hour or two after the *Earl's* death, before any *Inquisition* taken, or it could possibly be known how he came by his death, but, right or wrong, this *Fury* must now pass upon him, and find him *Felo de se*, to facilitate and justify the Murder they are now to commit.

*Morning* prevented the hand of Justice upon himself) \* and four others. —

That they debated how they should make the *Rising*, & Resolved, that before they fell upon it, they would have an exact account of the time &

Method of the *Scotch Rising*; and there-upon Colonel *Sidney* sent *Aaron Smyth* on purpose to invite *Scotch Commissioners* to treat with these Noble Lords; that pursuant

suant to this, just before the *Plot* broke out, several came from *Scotland*, to treat how to manage the Work; They demanded at first 30000*l.* then fell to 10000*l.* and at last to 5000*l.* but they not coming to their terms, it broke off the Week the *Plot* was discovered. He concluded, that they should shew, that all the *Inferiour* party, still look'd upon these to be the *Heads*.

I shall not here trouble the *Reader*, with the particulars of the Evidence given against this *Noble Lord*, by the *Lord Howard*, *Colonel Romsey*, and *Mr Shepheard*; nor offer at any *Remarks* thereupon, much less to touch upon the many *Hardships* and great *Injustice* put upon his *Lordship* in this *Prosecution*, in point of *Law*; all that having been admirably well done, by the *Learned Pens* of the right *Honourable the Lord Chief Baron Atkyns*, and of *Mr Hawles* of *Lincolns Inn*, My purpose, not only in extracting these *Notes* in my *Lord Russell's Case*; but also in this whole *Tract*; being only to present the *World* with some matters of *History*, which they did not put down, or remark upon; and (which indeed invited me to this work)



work) to gather together, for publick use, Abstracts and Remarks upon some memorable *Tryals* in the late unhappy *Reigns*; upon which they never touch-  
ed.

I shall therefore now proceed, to represent something further of the carriage and exasperating Speeches of the *King's Council*, &c. against his *Lordship*.

The *Solicitor General* sum'd up the Evidence in this manner, *That the Prisoner stood Indicted for High Treason in conspiring the Death of the King, That the Overt Act*, laid to prove that *Conspiracy* by, is the assembling in *Council*, to raise Arms against the *King*, and to raise a *Rebellion*, and that they had proved that, by three Witnesses; He then proceeded to state the substance of the Evidence, *which having done as he thought fit*; he added, That my *Lord Russell* had made several *Objections*, and then he pretended to answer them, and in doing it, said, *That their Consultation was to seize the King's Person, and bring him into their power, and, that to design to bring the King into their power, only till he had consented to such things as should be moved in Parliament, was equally Treason, as if they had*  
agreed

*agreed directly to Assassinate him — That therefore, the Jury were to consider nothing, but to see that the fact be fully proved, and he saw nothing said by my Lord that doth invalidate the Evidence.*

He went on thus, That the last *Objection* (to which a great many Persons of Honour and Quality had been called) was, *That my Lord Russell being a man of Honour, Vertue and so little blamable in his whole Conversation; 'twas not likely he should be guilty of any thing of this kind,* This he confessed to have weight in it, but then he bad the *Jury consider that he was but a man, and that Men fall by several Temptations, some out of Revenge, some by Malice fall into such Offences as these; my Lord is not of this Temper, but Gentlemen, there is another great and dangerous Temptation that attends people in his Circumstances; whether it be Pride, or Ambition, or the cruel snare of Popularity, being cryed up as a Patron of Liberty; This is the only way to tempt Persons of Vertue, and the Devil knew it, when he tempted the Pattern of Vertue — Tho' he be a Person of Vertue, I am afraid these Temptations have prevailed upon my Lord, for I cannot give my self*

self any colour of Objection to disbelieve all these Witnesses; I see no Contradiction, no Correspondence, no Contrivance at all between them, you have plain Oathes before you, and I hope you will

But under his favour, these celebrated Witnesses were at Bargain, and bought their own lives at the price of this Noble Lord's Blood.

consider the weight of them, and the great Consequence that did attend this Case, the overthrow of the best Government in the World, and the best and most unspotted Religion, which must needs have suffered. The greatest liberty and the greatest security for Property that ever was in any Nation, bounded every way by the Rules of Law and those kept sacred, I hope you will consider the weight of this Evidence, and consider the Consequences such a Conspiracy might have had.

Then Jefferies, to Insinuate this Noble Lord's Guilt, argued thus, Had not my Lord of Essex been conscious of his being guilty of desperate things, he would scarcely have brought himself to that untimely End, to avoid the methods of publick Justice. —

I am sorry to find that there have been so many of the Nobility of this Land, that have lived so happily under the  
benigae

benigne influence of a *Gracious Prince*, should make so ill returns.

*Gentlemen!* whereas that *Noble Lord* says, he hath a *vertuous* good Lady, he hath many Children, he hath Vertue and Honour, he puts in the Scale. I must tell you on the other side, *you have Conscience, Religion, you have a Prince, and a most merciful one too; Consider the Life of your Prince, the Life of his Posterity, the Consequences that would have attended, if this Villany had taken effect, What would have become of your Lives and Religion? What would have become of that Religion we have been so fond of preserving—— You have your Understandings, your Wives and Children. let not the Greatness of any man Corrupt you.*

Then, the *Lord Chief Justice* directing the *Jury*, told them (after he had repeated the evidence) that the *Question* before them was, *whether they did believe my Lord Russell had any design upon the King's Life, to destroy the King, to take away his Life, and that that was the material part there——you have not evidence in this Case, as there was in the other matter, that was tryed in the morning*

morning, or yesterday, against the *Conspirators* to kill the *King* at the *Rye*——  
*This is an Act of contriving Rebellion and an Insurrection, and to seize the Guards; which is urged as an evidence, and surely is in it self an evidence to seize and destroy the King*——If you believe the *Prisoner* at the *Bar*, to have conspired the death of the *King*, and in order to that, to have had these *Consults*, then you must find him guilty of this *Treason* laid to his Charge.

The *Court* then adjourned, and at their sitting again in the *Afternoon*, the *Jury* brought in their *Verdict*, that my *Lord Russell*, was *Guilty*.

I shall here, to refresh the *Readers* memory, subjoyn some brief *Heads* of the dying *Speech* of this great and invaluable *Person*, a *Martyr* for the true *Religion* and the *Liberties* of his *Country*.

He thanked *God*, that he found himself so composed and prepared for *Death*, and his thoughts so fixed on another *World*, that he hoped in *God*, he was quite weaned from setting his heart on this.

He

He blessed God for the many Blessings of his Life; *That he was born of worthy good Parents, and had the advantages of a Religious Education,* which he had look'd upon as an invaluable Blessing. for when he minded it least, it still hung about him, and gave him checks; and that he now, in his extremity, found such happy effects of it, that the fear of Death had not been able to discompose him.

*That he had liv'd and now dyed of the Reformed Religion, a true & sincere Protestant;* and in the Communion of the Church of England, *tho' he could never rise up to all the heights of some People.* He wished the removal of all our unhappy differences, *and that all sincere Protestants would consider the danger of Popery, and lay aside their Heats, and agree against the Common Enemy;* That the Church-men would be less severe, and the Dissenters less scrupulous.

He declared, *that he look'd upon Popery as an Idolatrous and bloody Religion;* and therefore thought himself bound in his station to do all he could against it; and foresaw that he should procure such great and powerful Enemies to himself,

N

that

that he had been for some time expecting the worst; and blessed God that he fell by the Ax, and not by the fiery Tryal.

That, yet he never had a thought of doing any thing against Popery, *basely or inhumanly*; but what could well consist with the Christian Religion, and the Laws and Liberties of the Kingdom.

That he had always loved his Country more than his Life, and never had any design of changing the Government, and would have ventured his Life to preserve it; and would have suffered any extremity, rather than have consented to any design to take away the King's Life; and that no Man ever had the Impudence to propose so base and barbarous a thing to him.

That he sincerely prayed for the King; that he might be happy both here and hereafter.

He took God to witness, that in the prosecution of the *Popish Plot*, he proceeded in the sincerity of his Heart—that he did still believe that Popery was breaking in upon the Nation; and that those who advance it, will stop at nothing; and declared his sorrow that so many Protestants gave their helping hand to it; But he declared his hope, that God would preserve



preserve the Protestant Religion and the Nation; though he feared it would fall under very great Tryals, and sharp Sufferings. That the bare-fac'd Prophaneness and Impiety in the Nation, gave Reason to fear the worst things that could befall a People. He prayed God to prevent it, and give those, who shewed concern for the publick good; and appear'd hearty for the Protestant Religion; Grace to live so that they might not cast a reproach on that which they endeavour'd to advance; which he declared had often given him many sad thoughts.

As to his condition, he said, he had no repining in his Heart at it; and did freely forgive all the World, particularly those concerned in taking away his Life; and conjured his Friends to think of no Revenge, but to submit to the holy will of God.

He declared, as to his appearing in the business of the Bill of Exclusion, that he thought the Nation in such danger of Popery, and that the expectation of a Popish Successor put the King's Life in such danger, that he saw no way so effectual to secure both, as that Bill; and that he thought, his earnestness in that matter had

*no small influence in his present Sufferings.*

As to his conspiring to seize the Guards, the Crime for which he was condemned, and which was made a *constructive Treason* to take away the King's Life, to bring it within the Statute of Edward 3. His Lordship gave this account. That he never was at *Shepherd's* but once, and that there was no undertaking then, of securing or seizing the Guards, nor none appointed to view or examine them: Some discourse there was about the feasibility of it, and he heard it several times by accident in general discourse elsewhere, but never consented to it as fit to be done,——That the Duke of Monmouth exclaimed against it, and his Lordship said that he ever observed in him an abhorrence of all base things.

He thanked God, that his part was sincere and well meant; he observed, that it was inferred that he was acquainted with the *Heats and ill Designs* of some great Men, and did not discover them, but that that was but *misprision of Treason*, at most; and so he dyed innocent of the Crime he stood condemned for; and hoped, that no body would imagine that so mean a thought could enter into him,

as

as to go about to save his Life, by accusing others; The part that some had acted lately of that kind, had not been such, as to invite him to love Life at such a rate.

He declared; that he *could not but think the sentence upon him very hard*, for nothing was sworn against him (*whether true or false*) but discourses about making some stirs. — That by a *strange fetch*, the story of seizing the Guards, was construed a design of killing the King; and so he was cast in that.

He prayed God, not to lay it to the charge of the King's Counsel, the Judges, Sheriffs or Jury; That, for the Witnesses, he pitied and wished them well, and should not reckon up the particulars wherein they wronged him; but had rather their own Consciences should do that; to which, and the mercies of God, he left them.

His Lordship added, that from the time of chusing Sheriffs, he concluded, that the heat in that matter, would produce something of this kind, and that he was not much surprized to find it fall upon himself, and wished that his Blood might satiate some Peoples Revenge

— He wished those Gentlemen of the Law, who have great readiness in

speaking, would make more Conscience in the use of it, and not run Men down by strains and fetches; and impose on ease and willing Jurys, to the ruin of innocent Men; for to kill by forms and subtilties of Law, is the worst sort of Murder. He further wished, that the rage of hot Men and the partiality of Juries might be stop'd with his Blood, and said, he should offer it up with more joy, if he thought he should be the last to suffer in such a way.

He then concluded thus,

*The Will of the Lord be done, into whose Hands I commend my Spirit; and trust that thou, O most merciful Father, hast forgiven me all my Transgressions: The Sins of my Youth, and all the Errors of my past Life; and that thou wilt not lay my secret Sins to my Charge, but wilt graciously support me, during that small part of my Life now before me; and assist me in my last Moments, and not leave me then to be disordered by Fear, or any other Temptation; but make the light of thy Countenance to shine upon me; For thou art my Sun and my Shield: And as thou supportest me by thy Grace, so I hope thou wilt hereafter crown me with Glory, and receive me into the Fellowship*

*Fellowship of Angels and Saints, in that blessed Inheritance purchased for me by my most merciful Redeemer, who is, I trust, at thy Right hand, preparing a place for me; Into whose Hands I commend my Spirit.*

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*Notes upon the Tryal, of the honourable Algernon Sidney Esq; upon an Indictment, for conspiring the Death of the King, and intending to raise a Rebellion; Before the Lord Chief Justice Jeffrys, Justice Wythens, Justice Holloway, and Justice Walcot, at the King's-Bench, upon the one and twentieth of November, 1683.*

**T**His honourable Person Colonel Sidney, having been long Imprisoned in the Tower, without any prosecution, brought his *Habeas Corpus*, for the obtaining his liberty, upon which; being brought to the King's-Bench, upon the 7th of November; the Attorney General, upon the sudden, clapt an Indictment of

Treason upon him, to which he was instantly compelled to plead.

Upon the 21<sup>st</sup> of November he was brought to Tryal, and this Jury, pack'd by *Graham* and *Burton*, was sworn upon him, viz.

*John Auger*, Carpenter.

*Richard White*,

*William Lyn*,

*Laur. Wood*,

*Adam Andrews*,

*Emery Arguise*,

*Josiah Clerk*,

*George Glisby*,

*Nicolas Baxter*,

*Horse Rider*.

*William Reeves*,

*William Grove*,

*Cheesmonger*, &

*John Burt*.

The King's Counsel were,  
*Sr Ro. Sawyer*, Attorney General.  
*Mr Finch*, Solicitor General.  
*Mr North*,  
*Mr Dolben*, and  
*Mr Jones*.

The *Indictment*, opened by *Mr Dolben* was to this effect; *That the Prisoner, with others, conspired the death of the King, and to levy War in the Kingdom, and sent one Aaron Smyth into Scotland, to excite some to come from thence, and to consult upon assistance to carry on those designs; And that*  
the

*the Prisoner to per-  
swade the People, that  
it was lawful to raise  
Rebellion ; did cause  
a seditious Libel to  
be written, contain-  
ing expressions ; That  
the power is origi-  
nally in the People,  
&c.*

Note, the Indictment did not charge the Prisoner with publishing the Papers, which was ever till now done, when Libels have been made Criminal, but their proof in this case would not come up to publishing.

Then the *Attorney General* thunders thus against him ; The Prisoner is Indicted of the highest Crimes, the conspiring the King's Death, and the overthrow of the *Monarchy*—There is no *English-man* but does believe, that for several years a Design was laid; and to that end secret Instructions were made use of, and Libels spread, to perswade the People, that the King was introducing *Arbitrary Power*. ( *Ay, so he was, and so were his Judges, and Council at Law* ). that he subverted their Rights and Liberties, &c. ( *a sad truth* ) They endeavoured to make the World believe the King was a *Papist*: ( *So they did, and his Dear and Royal Brother, cleared up that Point soon after his Death* )—And then there



there was a Design of an open Rising  
 — This Gentleman's Head and Heart  
 was entire in this Service; he was at  
 this very time preparing a most Sediti-  
 ous and Trayterous Libel To perswade  
 the People, that it is Lawful, nay, that  
 they have a Right, to set aside their  
 Prince, in case it appears that he hath broken  
 the Trust laid upon him by the People; He  
 uses great Reason in the Case, That the  
 Power of the Prince is Originally in the Peo-  
 ple; and that the King's Power was derived  
 from the People upon Trust, (most horrid  
 Heresie) and they might assume the Original  
 Power they had conferred, &c.

After this Harangue, to pre-possess  
 the Jury; Mr West, Col. Romsy, and Keel-  
 ing were called, and told long Stories  
 of Consultations, Plots and Resolutions;  
 without offering one Word of Evidence  
 against Colonel Sidney.

Then the Lord Howard told his long  
 History of the Plot; that being ended;  
 They gave in Evidence some scraps of a  
 Manuscript found in the Colonel's Study,  
 and read three or four Paragraphs to the  
 (judicious) Jury, whereof I shall here  
 give the Reader a touch; When Pride had  
 changed Nebuchadnezar into a Beast, what  
 should

should persuade the Assyrians not to drive  
 him out amongst Beasts; until God had re-  
 stored unto him the Heart of a Man?  
 When Tarquin had turned the Legal Mon-  
 archy of Rome, into a most abominable  
 Tyranny, Why should they not abolish it?  
 And when the Protestants of the Low-  
 Countries were so grievously oppressed by  
 the Power of Spain, under the Proud,  
 Cruel and Savage Conduct of the Duke of  
 Alva; Why should they not make use of all  
 the means that God hath put into their  
 Hands, for their Deliverance? Let any  
 Man who sees the present State of the Pro-  
 vinces that then united themselves, judge;  
 whether it is better for them to be, as they  
 are, or in the condition into which his Fury  
 would have reduced them, unless they had,  
 to please him, renounced God, and their  
 Religion: Our Author may say, They  
 ought to have suffered; The King of  
 Spain, by their Resistance, lost these Coun-  
 tries; and that they ought not to have been  
 Judges in their own Case. To which I An-  
 swer, That by resisting, they laid the Foun-  
 dation of many Churches, that have produ-  
 ced multitudes of Men, Eminent in Gifts  
 and Graces; and Established a most glori-  
 ous and happy Common-Wealth, that hath  
 bee

been since its first beginning, the strongest Pillar of the Protestant Cause, now in the World, and a place of Refuge unto those, who in all Parts of Europe have been oppressed for the Name of Christ: Whereas otherwise, they had Slavishly, and I think I may say, Wickedly, as well as Foolishly; suffered themselves to be Butchered; they had left those Provinces under the Power of Anti-Christ, where the Name of God is no otherwise known, than to be Blasphemed.

If the King of Spain had desired to keep his Subjects, He should have Governed them with more Justice and Mercy; When contrary to all Laws, both Humane and Divine, He seeks to destroy those, He ought to have preserved, He can blame none but himself, if they deliver themselves from his Tyranny; And when the matter is brought to that, That he must not Reign, or they over whom he would Reign, must perish, the matter is easily decided; As if the Question had been asked in the time of Nero or Domitian, whether they should be left at Liberty to destroy the best part of the World, as they endeavoured to do; or it should be rescued, by their Destruction; And as for the Peoples being  
Judges

*Judges in their own Case, it is plain, they ought to be the only Judges; because it is their own, and only concerns themselves.*

—— The general Revolt of a Nation, from its own Magistrates, can never be called Rebellion.

The Papers being read, *Mr Solicitor (doubting surely the Capacity of the intelligent Jury to judge of these Notions upon the first hearing)* said, that no time was mis-spent to make things clear, and that the Jury might have the Words read again, if they had a mind to it; and he repeated that offer to them, but the Gentlemen better understanding the work of the day, then the Treatise, did not desire a repetition of the Words.

The Prisoner here said, *They have proved a Paper found in my Study of Domitian and Nero; that is compassing the death of the King, is it?* —— Whatever my Lord Howard is (of whom I have enough to say by and by) *he is but one Witness*; and there ought to be two Witnesses to the same thing —— Let my Lord Howard reconcile what he has said now, with what he said at my Lord Russell's Tryal if he pleases, there he swore, he said all he could, and now he has got I know  
not

not how many things, that never were spoken of there.—He hath accused himself of divers *Treasons*, and is under the terror of punishment for them ; and would get his own Indemnity by destroying others—*He owes me a great sum of Money, and when I should take the advantage, of the forfeit of his Mortgage, he finds a way to have me laid up in the Tower ; this is a point of great cunning, at once to get his Pardon and save his Money. He was desirous to go further, and would have got my Servants to put my Plate and Goods into his hands.—*He made affirmations in the presence of *God*, that I was innocent in his opinion, and he was confident of it ; I know in my Lord *Russell's* Case, Dr *Burnet* testified something like this ; and when my Lord *Howard* came to answer it ; he said *he was to face it out* : Now he did face it out bravely against *God*, but was very timorous of Man——I am to give an account of these Papers, which they would piece and patch to my Lord *Howard's* discourse, and by a strange kind of construction and imagination, make to have relation to this *PLOT*, as they call it ( I know of none.)  
 They

They offer no proof but similitude of Hands : Some years ago, the Lady Car was indicted of *Perjury*; and as evidence, some Letters of hers were produced, that were contrary to what she swore in *Chancery*; and it was proved to be like her hand; but Chief Justice Keeling directed the Jury, that this was the smallest and least of proofs, in Civil Causes; but in *Criminal* it was none at all; So that my Lord Howard's Testimony is single——As to the Consult he talks of, What could six Men do? Can my Lord Howard raise five Men by his credit? By his Purse? For my part I knew not where to raise five Men. That such Men as We are, that have no Followers, should undertake so vast a design, is very unlikely; And *this great design thus carried on, had neither Officers nor Soldiers, no Place, no Time, no Money for it.* This is a pritty Cabal, and a very deep maintaining of the Plot.

Then the Prisoner called the Earl of Anglesey, the Earl of Clare, Capt. Philip Howard, Dr Burnet, Mr Joseph Ducas, Lord Pager, and Mr Edward Howard; who all testified that the Lord Howard had frequently with great asseverations,  
and

and calling God to Witness, affirmed that he knew of no Plot, and that he was confident of Colonel Sidney's Innocence.

Mr Blake proved, that my Lord Howard told him, that he could not get his Pardon, till he had past the drudgery of Swearing.

Mr Ducas, Grace Tracy and Elizabeth Penwick, proved, that the Lord Howard came to the Colonel's House, and being told that he was taken away to the Tower for the Plot, He took God to witness, he knew nothing of it, and believed the Colonel did not; and he then desired that the Colonel's Plate and Goods might be sent to his House to be secured.

Then Mr Wharton offered to imitate those Sheets of paper, so that they should not know which was which; but the Court did not regard it.

Now Mr Solicitor, in his wonted luxuriant way of talking Men to Death, falls upon the Prisoner, and jumbles things thus together, (in his Address to the Jury) Gentlemen! We go about to prove the compassing and imagining the Death of the King, by the Prisoner's consulting how to raise Armies; and by plain matter in writing under his hand;

where



where he does affirm, it is lawful to take away and destroy the King [A strange Suggestion, no way warranted by the reading the Papers] and he then proceeds in the same way to insinuate many things against the Prisoner, which no way affected nor reached him, by the Evidence given. He then comes to the Papers, and sayes, *Compassing and imagining the Death of the King, is the Act of the mind,* and when once there is an *Overt Act*, that is, a thing that manifests such intention; Then the Law takes hold of it: Now after this Evidence. [*which the Reader will remember was only the Lord Howard's Swearing*] I think no Man will doubt, whether it was in the heart of the Prisoner to destroy the King; here is an avowed principle of Rebellion, Established, upon the strongest reason he has to back it — Gentlemen! [*speaking to the Carpenter and his Fellows, most competent Judges of such a Book*] This, with the other Evidence that has been given, will be sufficient to prove his compassing the Death of the King — This Book is another, and more than two Witnesses against him; you have heard one Witness prove it positively to you, that he consulted to  
O rise

rise in Arms against the King, and here is his own Book, says, *it is lawful to rise in Arms, if the King break his Trust,* and in effect he has said the King has broken his Trust, therefore, *this will be a sufficient demonstration, what the imagination of the Heart of this Man was, that it was nothing but the Destruction of the King and of the Government.* Some Men, may by passion, be transported into such an offence; in them, it is less dangerous, but it is this Gentleman's principle; Gentlemen! This is the more dangerous Conspiracy in this Man, by how much the more it is rooted in him; and how deep it is you hear, when a Man shall write as his principle, *that it is lawful to depose Kings, they breaking their Trust; and that the Result of the whole Nation cannot be called Rebellion.* It will

be a very sad Case, when People  
But late Experience re- futes his Opinion, and we  
now see 'tis a very happy Case, according  
to their Consciences;  
and do all this for the good of the People, as they would have it thought; but this is the Principle of this Man, We think We have plainly made it out, that is

was the Imagination of his heart to Destroy  
the King.

Hereupon Colonel Sidney said, My  
Lord, We have had a long story, I de-  
sire Mr Solicitor would not think it his Du-  
ty to take away Mens Lives any how —  
My Lord Coke and Lord Hales, were  
both of Opinion, That the Overt Act of  
one Treason, is not an Overt Act of ano-  
ther; Hales saith, Compassing by bare  
words is not an Overt Act; Conspiring to  
levy War is no Overt Act.

Then the Chief Justice concluded,  
with a long Repetition, of what he pre-  
tended, had been given in Evidence?  
and said, that though some Judges had  
been of opinion; that Words of them-  
selves, were not an Overt Act; yet my  
Lord Hales nor my Lord Coke, nor any  
other of the Sages of the Law, ever  
questioned, but that a Letter would be  
an Overt Act, sufficient to prove a Man  
guilty of Treason; for *Scribere est Agere*.

Gentlemen! I must tell you,  
that in Case there be but one Witness to  
prove a direct Treason, and another to  
prove a circumstance, that contributs  
to that Treason; That will make two  
Witnesses to prove the Treason — Here

is a most trayterous Lybel, if you believe that Colonel Sidney writ it; No Man can doubt but it is a sufficient Evidence, that he is guilty of Compassing and Imagining the Death of the King——

I must mind you that *this Book contains all the Malice, and Revenge, and Treason, that Mankind can be guilty of.*—— This is made use of by him to stir up the People to Rebellion [yet by the way it was not so much as pretended that Colonel Sidney had published the Book, or shown it to any Mortal]—— So 'tis not upon two, but upon greater Evidence then two and twenty; if you believe this Book was writ by him. Next I must tell you, upon, I think, a less Evidence, the Lord Russel was Convicted and Executed, [*An excellent Argument, that having then tasted Noble Blood, they must go on to drink their fill of it; 'tis to be lamented, that such Miscreants have not been dismissed the World, as the famous Scythian Queen Tomyris, did the Persian Tyrant with a Satiare vos Sanguine, quem sinitis, Proditores Patriæ et dedecus humani generis.*]

This Doctrine thus powerfully insinuated to the well disposed Fury, (a pack of meer Tools, to eccho back the pleasure of the Judge)

*Judge*) procured a Guilty to be without difficulty brought in, upon this *Great and Noble Person*.

It being hereupon demanded of him, what he had to say why Judgment of Death should not be given against him, He said, that he had had no Tryal, *he was to be Tryed by his Country*, and he did not find his *Country* in the *Jury* that tryed him; There were some of them that were not *Freeholders*; and there is neither Law nor President of any Man Tryed by a *Jury*, in a *County*; that were not *Freeholders*; So he had had no Tryal at all, and if so, there could be no Judgment.

To this *Jefferies* replied, that he had had the Opinion of the Court in that matter, and that they were unanimous in it. (*And so they were in all murdering work at that day.*)

Colonel Sidney then said, that there was nothing of *Treason* in the Words, said to be written in the Papers if the nature of the thing were examined; To which the *Chief Justice* retorted, There is not a line in the Book scarce, but what is *Treason*.

The Sentence being passed, the Prisoner expressed himself in these Words;

Why then, O Lord, Sanctifie I beseech thee these my Sufferings unto me, Sanctifie me through my Sufferings, Sanctifie me through thy Truth, Thy Word is Truth; Impute not my Blood unto this Nation, Impute it not unto the grand City, through which I shall be led unto the place of Death; Let not my Soul cry, tho' it lies under the Altar; make not Inquisition for my Blood, or if innocent Blood must be expiated, let thy Vengeance fall only, upon the heads of those, who knowingly and maliciously Persecute me for Righteousness sake.

Upon the 7th of December, 1683.

He was Beheaded upon Tower-Hill, when he delivered to the Sheriffs, Daniel & Dashwood, a paper, the substance whereof is here presented to the Reader.

Men, Brethren and Fathers; Friends, Country-men and Strangers,

We live in an Age, that maketh Truth pass for Treason; I dare not say any thing

contrary to Truth, and the \* Ears of those that are about me, will probably be found too tender to hear it.

West, Romfey and Keeling, brought to prove the Plot, said no more of me, than

than that they did not know me. The Lord Howard is too infamous by his Life, and his many Perjuries, not to be denyed, or rather sworn by himself, to deserve mention: and being a single Witness, would be of no value, though he had been of unblemished Credit, or had not seen and confessed, that the Crimes committed by him, would be pardoned, only for committing more.

This being laid aside, the whole matter is reduced to the Papers said to be found in my Closet——If I had been seen to write them, the matter would not be much altered; They plainly appear to relate unto a *Treatise* written long since in answer to *Filmer's Book*, which is grounded upon wicked Principles, equally pernicious to Magistrates and People.

If he might publish unto the World, his Opinion, that all Men are born under a necessity, derived from the Laws of God and Nature, to submit unto an absolute Kingly Government, which could be restrained by no Law, or Oath; and that he that hath the Power, hath the Right, and the Persons and Estates of his Subjects, must be indispensably subject to it; I know not, why I might not have published my opi-



nion to the contrary, without the breach of any Law.

I might as freely as he, publickly have declared my thoughts, and the Reasons of my belief.

That Magistrates were set up for the good of Nations, not Nations for the honour or glory of Magistrates.

That the Right and Power of Magistrates was that which the Laws of the Country made it to be.

That those Laws were to be observed; and the Oaths taken by them; having the force of a Contract between Magistrate and People, could not be violated without danger of dissolving the whole Fabrick.

That few would be so gentle, as to spare even the best Magistrates, if by their destruction, a wild Usurper, could become God's Anointed.

This seems to agree, with the Doctrines, of the most Reverend Authors, of all Times, Nations and Religions. The best and wisest of Kings have ever acknowledged it. King James, in his Speech to the Parliament, Anno 1603, doth, in the highest degree, assert it; The Scripture seems to declare it. If the Writer

Writer nevertheless, was mistaken, No Man, for such matters, hath ever been referred to the Judgment of a Jury, composed of Men, utterly unable to comprehend them.

But there was little of this in my Case; The extravagance of my Prosecutors goes higher; The Treatise was never finished, nor could be in many Years; So much as is of it, was written long since; never reviewed, nor shewn to any Man.

Whatsoever is said of the expulsion of Tarquin; The Insurrection of Nero; The Slaughter of Caligula, or Domitian, &c. is applied by Innuendo unto the King.

They have not considered, that if such Acts of State be not good, no King in the World has any title, nor can have any, unless he could deduce his Pedigree from the eldest Son of Noah, and shew, that the Succession, had still continued in the Eldest, of the Eldest Line, and been so deduced to him.

But I was long since told that I must dye, or the Plot must dye.

Lest the means of destroying the best Protestants in England should fail, the Bench must be filled with such, as have been Blemishes to the Bar.

None,

None, But such as these, would have advised with the King's Council, of the means of bringing a man to death, Suffered a Jury to be pack'd, by the King's Solicitors, and the Under-Sheriff: Admit of Jury Men, who are not Freeholders; Receive such evidence, as is above mentioned; refuse a Copy of an Indictment, or to suffer the Statute of 46 Edward 3. to be read, that doth enact, It should, in no case, be denied unto any Man upon any occasion whatsoever; over-rule the most important points of Law without hearing. And, whereas the Statute 25 Edward 3. upon which they said, I should be tryed, doth reserve unto the Parliament all Constructions to be made, in point of Treason. They could assume unto themselves, not only a power to make Constructions; but such Constructions, as neither agree with Law, Reason, or Common Sense.

By these means, I am brought to this place; The Lord forgive these Practices, and avert the Evils, that threaten the Nation from them; The Lord sanctifie these my Sufferings unto me, and tho' I fall, as a Sacrifice unto Idols; suffer not Idolatry to be established in this Land. Bless thy People and save them, defend thy own Cause

Cause, and defend those that defend it. Stir up such as are faint: direct those that are willing: Confirm those that waver: Give Wisdom and Integrity unto all. Order all things so as may most redound to thy own Glory. Grant, that I may dye glorifying Thee, for all thy Mercies, and, that at the last, thou hast permitted me to be singled out, as a Witness of thy Truth; and even by the Confession of my Opposers, for that old Cuse in which I was from my Youth engaged, and for which thou hast often and wonderfully declared thy Self.

Thus, for Innuendo Treasons, and by a barbarous prosecution; fell this never to be forgotten *Champion and Martyr* for the *English Liberties*; the honourable and valiant *Colonel Algernon Sidney*.

This great Man, having in his fore-mentioned Paper, mentioned the *Opinion* of *King James*, the first delivered in his Speech to the *Parliament*, in the Year 1603. I shall here, to gratifie the Reader's Curiosity, transcribe a Paragraph or two of that Learned King's Speech (viz.)

I do acknowledge, that the special and greatest point of difference, that is betwixt a rightful King, and an usurping Tyrant, is  
in

in this : That : whereas the proud and ambitious Tyrant, doth think his Kingdom and People, are only ordained for the satisfaction of his Desires & unreasonable Appetites; The righteous and just King doth, on the contrary, acknowledge himself to be ordained, for the procuring of the Wealth and Prosperity of his People; and that his great and principal Worldly Felicity, must consist in their Prosperity. — That I am a Servant, it is most true. That as I am Head and Governour of all the People in my Dominion, who are my natural Subjects, considering them in distinct Ranks; So, if we will take in the People as one Body, Then, as the Head is ordained for the Body, and not the Body for the Head; so, must a righteous King, know himself to be ordained for his People, and not his People for him.

Wherefore, I will never be ashamed to confess it my principal honour, to be the great Servant of the Common-wealth.

To this I shall subjoyn a few Words, to the same purpose, out of that King's Speech to the Parliament, in 1609

Every just King in a settled Kingdom, is bound to observe that Paction made to his People, by his Laws; in framing his Govern-  
ment

ment agreeable therunto; And therefore, a King, governing in a settled Kingdom, ceases to be a King, and degenerates into a Tyrant, as soon as he leaves off, to rule according to the Laws.

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Notes upon the Tryal of Sr Samuel Barnardiston Baronet, at Guild-Hall London, Before Sr George Jefferies, Lord Chief Justice of the King's Bench, upon the 14<sup>th</sup> day of February, 1683. upon an Information to the effect following, (*viz.*)

THat there having been a Horrid Plot lately discovered, the Defendant, to scandalize the Evidence, wrote a Letter to this effect, *viz.* That the return of the Duke of Monmouth and his being received into Favour with the King, had made a great alteration at Court, and that those who before spoke indecently of him, did now court and creep to him; Yesterday, being the last of the Term, all the Prisoners in the Tower

Tower, upon the late *Sham Protestant* Plot, were Bailed. The Information against Mr *Burdett* (who Prosecuted the Murder of the Earl of Essex) for a Subornation, was not prosecuted, and his Bail was discharged, and the passing Sentence upon the Author of *Julian the Apostate*, and the Printer of the late Lord *Russell's* Speech, was passed over with silence; Great Applications are made to the King, for the pardoning Mr *Sidney*—— The Lord *Howard* appears despicable, in the eyes of all men—— The Papists and high Tories are quite down in the Mouth. Their Pride is abated, and themselves and their Plot confounded, but their Malice is not Assuaged. It is generally said, the Earl of Essex was Murdered. The brave Lord *Russell* is a fresh Lamented, The Plot is lost here, except you in the Country can find it out amongst the Addressers, and Abhorers. And that he wrote in another Letter to this effect. The King is never pleased but when the Duke of *Monmouth* is with him—— His Pardon was Sealed and delivered to him last Wednesday; 'tis said he will be restored to be Master of the Horse, &c.—— He treats all his old



old Friends with great Civility, they are all satisfied with his Integrity, and if God spare his Life, doubt not but he will be an Instrument of much good, to the King and Kingdom; he said publickly, that he knew my *Lord Russel was as Loyal a Subject as any in England*; and that his Majesty believ'd the same now; it would make you laugh, to see how strangely our high *Torys* and *Clergy* are mortified, their Countenances speak it — *Sr George* is grown very humble: Its said *Mr Sidney* is reprieved for forty days, which bodes well.

And that in a third Letter he wrote thus, The late change here in publick Affairs, is so great and strange that we are like men in a Dream, and fear we are not fit for so great a Mercy as the present Juncture seems to promise; the *Sham Protestant Plot* is quite lost and confounded.

And that in a fourth Letter, there are these expressions — Contrary to all mens expectations, a Warrant is signed for beheading *Colonel Sidney* at *Tower-Hill* next *Friday*; great endeavours have been used to obtain this Pardon, but the contrary party have carried it; which  
much

much dasheth our Hopes ; but God still governs.

The King's Counsel, to prosecute this matter were,

The Recorder of London.

Mr Herbert (quickly after made Lord Chief Justice.)

Mr Jones.

Counsel for Sir S. Barnardiston, were,

Mr Williams,

Mr Thompson, and

Mr Blackerby.

The Jury, pick'd out to try this Cause, were,

Thomas Vernon (Knighted soon after the Service done in this Cause, and then

made Fore-man of a Jury to convict

Dr Otes of Perjury.)

Percival Gilburse (one of the Jury upon the Guildhall Riot.)

Edward Ravery,

William Withers senior, (A well qualified Jury-Man for this Cause.)

James Wood,

Robert Masters, (A principal Witness against Colledge.)

Samuel Newton, (Another of the Riot Jury.)

George Toriano. (One of the Lord Russell's Jury.)

And

*Kenelm Smyth, Thomas Amy, and  
Thomas Goddard, Richard Blackburne.*

The Recorder of London and Mr Herbert, having aggravated the charge in the Information. Mr Blaithwait, Atterbury the Messenger and Nehemiah Osland, Sr Samuel's Servant, gave evidence of the writing those Letters, and sending them by the Post, for Sr Philip Skippon, Mr Gael and Mr Cavel in Suffolk.

Then Mr Williams, Counsel for Sr Samuel, applied to the Jury, to this effect; That the question was, Whether Sr Samuel were knowingly guilty of the Writing and publishing the four Letters. That, as to his publishing them, he saw no evidence, and he put it to the Court; whether the sending them to the Post-House, could amount to the publishing a Libel: and he added, to the Jury, that he supposed they would not take it upon their Oaths, that he was guilty of what he was there accused of, many things being laid in the Information, to inhanse the Crime, of which there was no proof.

The Clamorous Chief Justice, proceeding

ceeding to direct the Jury, expressed himself to this effect, That the *Information* took notice of a horrid Conspiracy lately hatcht, for the destruction of the King and *subversion of the Government*; and that the *Lord Russell* and *Algernon Sidney*, who were engaged in that *damnable Conspiracy*, were convicted and executed.

That the *Defendant*, being *disaffected* and a man of *ill Principles*; to disturb the Government, did cause the four Letters to be writ and published.

That the Letters were *Factionous*, *Seditious* and *Malitious*; and as base as the worst of mankind could have invented——That it was a work of time and thought, fixt in his very Nature; and shewed so much *Venom*, as would make one think the whole mass of his Blood were corrupted.

Here is *malice* against the King, malice against the Government, malice against both Church and State, malice against any man that bears any share in the Government, indeed malice against all mankind, that are not of the same persuasion with those *bloody Miscreants*——  
Here is the *sanctifying* of Traytors justly  
executed

executed — Here is the *Sainting* of two horrid Conspirators, the Lord Russell that blessed Martyr; my Lord Russell that good man, that excellent Protestant, he is lamented; and here is Mr Sidney *Sainted*, and what an extraordinary man was he — 'tis a shame to think that such bloody Miscreants should be *Sainted* and lamented.

'Tis high time for all mankind that have any Christianity, or sense of Heaven or Hell to bestir themselves, to rid the Nation of such Caterpillars, such monsters of Villany, as these are.

These Letters tell you, God would be sure to raise up Instruments; but what Instruments do they mean? Instruments of Rebellion and Faction and Sedition; which they most falsely call his own Work.

The question is, whether the Defendant be guilty of writing these *Venomous, Malicious, Seditious, Factionous, Tumultuous Letters*, of which you have as full and plain proof as can be made; And as to his publishing them, can you think that he would write all this Malicious Stuff, to put them in his Pocket; but you have it sworn, that the Defendant said they were sent to the *Post-Office*.

Then, the *Jury* immediately gave in their *Verdict*, that the *Defendant* was *Guilty* of the *Offence* and *Misdemeanor*, charged in the *Indictment*; as no doubt they resolved to do, before they heard one word of the matter.

The *Judgment* upon this *Verdict*, was, that the *Defendant* should pay 10000*l* *Fine*, and be *Imprisoned* till paid, and to find *Sureties* for the good *Behaviour* for *Life*.

Accordingly, he was committed for the *Fine*, to the *King's Bench*, and continued a *Prisoner* four or five years, which satisfied not, but *Graham* and *Burton*, those *Instruments* of *Rapine* and *Oppression*, broke in upon his *Estate*, and besides the *Waste* and *Destruction* made; they levied to their own *Use* and the *King's* about 6000 *l*.

Notes upon the Proceedings against  
*Sr Thomas Armstrong* at the *King's*  
*Bench*, the 14th of June 1684.  
 Before the Lord Chief Justice  
*Jefferies*, Justice *VVickens*, Justice  
*Holloway* and Justice *Walcot*.

**S**R *Thomas Armstrong*, having been  
*Out-lawed*, upon an *Indictment* of high  
*Treason*, and betrayed, and brought  
 from *Holland*; was Committed to New-  
 gate upon the 10th of June, 1684. by  
 the Warrant of *Sidney Goldolphin Esq*;  
 principal Secretary of State; And upon  
 the 14th of June, being brought to the  
*King's Bench Bar*; *Sr Robert Sawyer* At-  
 torney General, moved the Court for an  
 award of *Execution*, upon the *Outlawry*;  
 Whereupon he was Arraigned on the  
*Outlawry* (*viz.*) that he had been Indicted  
 of high *Treason* for conspiring against the  
*King's Life*, and the *Government*; That  
 for not appearing to plead and try that  
*Indictment*, he stood *Outlawed*, and there-  
 by Attainted of the *Treason*; And it was  
 demanded of him, what he had to say,  
 P 3 why



(166) why Execution should not be awarded against him.

Sr Thomas urged, that he was beyond Sea at the time of the Outlawry, and desired that he might be Tryed; To which the Chief Justice answered, We have nothing to do, but to award Execution.

Sr Thomas desired that the Statute of Edward 6. might be read, which gives the Person Outlawed for Treason, a year to traverse it, if he were beyond Sea, and desired that Counsel might be assigned him.

The Chief Justice ordered the Statute to be read, to which the Attorney General assented, but said Sr Thomas would not find it to his purpose; it was read to this effect, That all process of Outlawry for Treason against Offenders, being beyond the Seas, shall be effectual in the Law, but it provides that if the Party shall within a year yield himself to the Chief Justice, and offer to traverse the Indictment, he shall be received to traverse, and being found not Guilty, he shall be acquitted of the Outlawry, and of all Penalties and Forfeitures by reason thereof.

Then, the Attorney General said, Sr Thomas, now I suppose will shew he yielded

yielded himself to your Lordship ; and added, that before he went out of England he might have rendred himself, and been Tryed if he had pleased.

Sr Thomas Armstrong answered, I have been a Prisoner ; the year is not yet out, I now render my self, and do conceive I am within the Benefit of the Statute, and do desire it.

The Chief Justice replied, we are of another opinion, we cannot take notice of it, there is no doubt nor difficulty at all in the thing, and applying to Richardson, said, Captain Richardson, you shall have a rule for Execution on Friday next.

Then, Sr Thomas offered to the Court, that one in that place had the benefit of a Tryal offered him, and that was it that he desired, for he thanked God his Case was quite another then his. That he knew his own Innocence, (And so did They too, otherwise he had not been denyed a Tryal.) and desired to make it appear by a Tryal.

To this the Chief Justice answered, that which you speak of, was the Grace and Mercy of King, who may, if he please extend the same to you ; but we are satisfied, that according to Law, we must

award Execution upon this Outlawry. Thereupon Mrs Mathews Sr Thomas's Daughter said, *My Lord, I hope you will not Murder my Father; for which being Brow-beaten and cheekt, she added, God Almighty's Judgments light upon you.*

Then, the Attorney General said, that he would acquaint the Court with one thing, in reference to what Sr Thomas had said, That the King did indeed indulge Holloway so far, as to offer him a Tryal; and perhaps might have some reason for it; but affirmed, that the Prisoner deserved no sort of Indulgence or Mercy; and then, in effect went on to give Evidence against him, saying, that it appeared that after the disappointment to the meeting at the Rye, by the New-market fire, Sr Thomas was one of those, who engaged to destroy the King by the way; upon his hasty coming then to Town; and affirmed, that this did appear upon a full and clear Evidence; and that when he was taken beyond Sea, Letters of Communication with Foreign Ministers and other people, were found about him.

The Chief Justice (knowing a more expeditious way of murdering this Gentleman)

*Gentleman*) said he would not meddle with evidence; telling the *Attorney*, that that was not their business (and no doubt they were both conscious that they had not evidence where with to convict him) and said, we have nothing more to do, but to award Execution.

*Sr Thomas* still insisted, that he was within the Statute, that he was Out-lawed while he was beyond Sea, and that the twelve Months not being past, he ought to have the Law, and demanded no more. Thereupon, the *Bloody-Master*, in a most insolent and inhumane manner, concluded thus; That you shall have, by the Grace of God; see that execution be done on Friday next, according to Law. You shall have the full benefit of the Law.

It may seem proper in this place, to note to the Reader, the reason why the Grace and Favour (as termed by the Chief Justice and Attorney General) of being admitted to Tryal, was offered to *Holloway* upon the one and twentieth of April before; and now denied to *Sr Thomas Armstrong*; which cannot be better done, then by casting an Eye to the proceedings upon *Holloway*; whereby it manifestly appears, that that unhappy

happy person, had been wrought upon, by the fear of Death and hope of Pardon, to be very prodigal in his Confessions, it being most evident, that what he had declared, was more then a thousand Witnesses against himself; and that he had put down a multitude of Hear-says and Reports of others; the truth whereof, never did nor will appear; Hereupon, they who had before wheedled & deluded him, do now careſs him; Mr *Attorney* told him, that at Law he was gone, but if he had any thing to say to defend himself, the *King* would not exclude him, but *extend his Mercy so far, as to admit him to Tryal.* Upon which the *Chief Justice* said, Mr *Attorney*, it is exceeding well; and told the Prisoner that the *King* was pleased to signify his gracious Intention towards him, in that he was contented to wave the Out-lawry, and allow him to try the matter, if he thought he could defend himself. The Prisoner finding himself snared, and that this Grace would serve him, as it did all others that fell into their power at that time; did only answer, that he could not undertake to defend himself, he having before thrown himself upon the *King's* mercy,  
and

and confessed himself guilty of many things in the Indictment. So he was sentenced, and dyed without Mercy.

At the place of Execution Sr Thomas Armstrong departed himself with Courage, becoming a great man, and with the Seriousness and Piety suitable to a very good Christian.

Sheriff Daniel told him, that he had leave to say what he pleased, and should not be interrupted, unless he upbraided the Government; Sr Thomas thereupon told him, that he should not say any thing by way of Speech; but delivered him a Paper, which he said contained his mind, he then called for Dr Tennison who prayed with him, and then he prayed himself.

In his Paper he thus expressed himself, That he thanked Almighty God, he found himself prepared for Death, his thoughts set upon another World, and rejoined from this; yet he could not but give so much of his little time as to answer some Calumnies, and particularly what Mr Attorney accused him of at the Bar;

That he prayed to be allowed a Tryal for his Life, according to the Laws of the Land, and urged the Statute of Edw. 6. which



which was expressly for it; but it signified nothing, and he was with an extraordinary Roughness condemned and made a precedent; tho' Holloway had it offered him, and he could not but think all the world would conclude his case very different, else why refused to him?

That Mr Attorney charged him for being one of those that was to kill the King, He took God to witness, that he never had a thought to take away the King's Life, and that no man ever had the Impudence to propose so barbarous and base a thing to him; and that he never was in any design to alter the Government.

That if he had been tryed, he could have proved the Lord Howard's base Reflections upon him, to be notoriously false——He concluded, that he had lived and now dyed of the Reformed Religion, a Protestant in the Communion of the Church of England, and he heartily wished he had lived more strictly up to the Religion he believed: That he had found the great comfort of the Love and Mercy of God, in and through his blessed Redeemer, in whom he only trusted, and verily hoped that he was going to partake of that fulness of Joy which is in his



his presence, the hopes whereof infinitely pleased him. He thanked God he had no repining, but chearfully submitted to the punishment of his Sins; He freely forgave all the World, even those concerned in taking away his Life, tho' he could not but think his Sentence very hard, he being denyed the Laws of the Land.

I shall here (for the Readers more full Information in this matter) subjoyn the Sence of our Present House of Commons of this Proceeding against *Sr Thomas Armstrong*; and the Censure they have most justly passed upon it.

*Martis 12. November 1689.*

A Petition of the *Lady Armstrong* and her *Daughters*, was Read; Whereupon a Committee was appointed to examine the matter, and make their Report to the House. Resolved,

That it be an Instruction to the Committee, That they examine who were the Judges that gave the Sentence against *Sr Thomas Armstrong*, and who were the Prosecutors of him; and who had his Estate; and how the *Petitioners* may have Reparation; And also to examine what Proceedings were in order to a Writ of Error

Error by him desired, and how it came to be denyed, and by whom : And they are to make their Report with all convenient speed.

March 10. November, 1689.

Mr Christy reported from the Committee to whom the Petition of The Lady Armstrong and the Daughters of Sr Thomas Armstrong was referred ; An account of the whole Proceedings against him ; And that thereupon they had come to these Resolves :

1. That Sr Thomas Armstrong's Plea ought to have been admitted, according to the Statute of Edward 6. and that the Execution of him upon the Attainder by Outlawry, was illegal, and a Murder, by pretence of Justice.

2. That the Executors and Heirs of Sr Thomas Armstrong, ought to have a Reparation of their Losses out of the Estates of those that were his Judges and Prosecutors.

3. That a Writ of Error for the Reversal of a Judgment in Felony or Treason, is the right of the Subject, and ought to be granted at his desire, and is not an Act of Grace

Grace or Favour; which may be denyed or granted at Pleasure.

To all which Resolves the House agreed. Resolved,

That leave be given to bring in a Bill, to Reverse the Attainder of Sr Thomas Armstrong, and to make Reparation to his Widow and Children, out of the Estates of the Judges and Prosecutors: And the same to be without Fees.

Monday the 20th of June, 1689.

Mr Chrisly reported from the Committee, to whom the Bill for the annulling the Attainder of Sr Thomas Armstrong was recommitted; some Amendments to the Bill; as also who were his Prosecutors; & also what Losses Sr Thomas Armstrong's Family had sustained, by reason of the Attainder; and thereupon it was, Resolved,

That Sr Richard Holloway, Sr Francis Wythens, the Executors of the late Lord Jefferies, and of the late Justice Waleoe, Mr Graham and Mr Burton, do attend the House on Saturday morning next, to answer to such matters, as are charged against them touching the Proceedings against Sr Thomas Armstrong.

Then Mrs Mathews, Sr Thomas Armstrong's

*Strong's* Daughter was called in, and examined what she knew of the Prosecution against her Father; And *Sr Robert Sawyer* (then *Attorney General*) being named by her, as one of the *Prosecutors*; After she was with-drawn, he was heard in his place to what was objected against him, and then he with-drew, and upon debate of the matter it was *Resolved*, That *Sr Robert Sawyer's* name be put into the Bill, as one of the *Prosecutors* of *Sr Thomas Armstrong*. *Resolved*,

That *Sr Robert Sawyer* be expelled the House for the same.

*Saturday* the 25th of *January* 1689.

The House being acquainted, that according to their Order, *Sr Francis Wthens*, *Sr Richard Holloway*, *Mr Graham*, and *Mr Burton*, attended at the Door, they were severally called in, and examined, touching the Prosecution and *Proceedings* against *Sr Thomas Armstrong*.

And also the *Executors* of the late *Lord Jeffryes*, that were attending at the Door were likewise called in, and asked what they had to say why *Reparation* should not

not be made out of the *Lord Jeffryes* Estate, to the said *Sr Thomas Armstrong's* Family.

No Persons appearing as *Executors* to the late *Justice Walcot*; the House was acquainted that he dyed *Intestate*, and had not left an Estate sufficient to pay his Debts.

After the Persons before-mentioned were heard and with-drawn, Mr *Blaney* was called in, who gave the House an Account of the *Proceedings* in the Court of *King's-Bench*, upon the Awarding Execution against *Sr Thomas Armstrong*.

And then the House proceeded upon the Amendments made by the Committee to the Bill, for annulling the *Attainder* of *Sr Thomas Armstrong*: And after having inserted the Name of *Sr Robert Sawyer*, as a *Prosecutor*, and resolved, That the sum of five thousand Pounds should be paid by the Judges and Prosecutors, to *Sr Tho. Armstrong's* Lady, and Children, as a *Recompence* of the Losses they had sustained by reason of his *Attainder*, the Bill was recommitted (upon the debate of the House) to the same Committee.

Notes upon the *Tryal*, between *Sr William Pritchard* Alderman of *London*, and *Thomas Papillon, Esq.* at *Guildhall*, upon the 6th day of *November 1684.* before *Sr George Jeffryes* Lord Chief Justice of the *Kings-Bench.*

**T**HAT Mr *Papillon* was second to none in his zealous and undaunted opposition, to the wicked attempts of introducing *Popery* and *Arbitrary Government*, is very well known; and deserves to be for ever remembred with honour; None out did him in a diligent and faithful discharge of his Trust in several *Parliaments*,

In the Year 1681, there appeared a *Race* of Men, fond of *Vassalage* and *Slavery* to that degree, that they made *Addresses of Thanks* to the King, for breaking two *Parliaments*, in the compass of three *Months*; meerly upon the score of their steady Resolution, to extirpate the *Po-pish Plot* and *Popery*; One of these fawn-  
ing

ing *Addresses*, with promise of venturing their *Lives and Fortunes*, to maintain this Violation of the *Constitution* of the *Government*; having been presented to the *King* by *Sr William Pritchard*, *Sr George Jefferies* and others; *Mr Papillon*, in abhorrence of it, promoted and personally prosecuted a *Petition* to the *Lord Mayor*, *Aldermen*, and *Common-Council*; praying, that the *Thanks* of the *City* might be returned to *Sr Robert Clayton*, *Sr Thomas Player*, *Alderman Pilkington* and *Alderman Love*, their worthy and well deserving *Representatives* in the *Oxford Parliament*; and shewing, That as matters then stood, the *Papists*, being animated in their *Bloody designs*, by the hopes of a *Popish Successor*; a *Declaration* to have frequent *Parliaments*, could not attribute to the safety of the *Kingdom*, and the composing the minds of *Protestants*; but that it must be the sitting of a *Parliament*, so as to search the *Plot* to the bottom; to *Prosecute* the *Conspirators*, and provide suitable *Laws*, against the impending *Evils*; and that nothing else could be effectual. Further,

This Gentleman, having in the same year, 1681. greatly added to his guilt,



by baffling the *Popish* designs, upon the *Lives, Liberties and Estates* of all *Protestants*, in the attempt upon the Earl of Shaftesbury; He exerts himself in the year 1682. in the defence of the great and undoubted Right of the *Citizens*, to chuse their own *Sheriffs*; but now, *arbitrary Power* being, by the aid of *ill Men*, become rampant and uncontrollable, *he must be sacrificed to their Revenge.*

Mr Papillon having been duly elected one of the *Sheriffs* of *London and Middlesex*; he brought a Writ of *Mandamus* out of the Court of *King's Bench*, to command the *Mayor & Aldermen* to swear him into the Office; that being disobeyed, he is advised by his *Counsel*, that he is entitled to an Action at Law for the wrong done him; he sends in a respectful way, to the *Mayor and Aldermen*, requesting them to give voluntary appearances to his Action; that being refused, he proceeds by a legal process to bring them to answer him at Law, whereupon Sr William Pritchard, being arrested by the *Coroner of London*, to whom the *King's Writ* was directed, and detained some hours, upon his refusal to give an appear-

appearance to *Mr Papillon's* Action ; *Sr William* brings an Action against him for thus arresting him ; and demands 10000 *l.* damages, wherein he committed a great over-sight, for had he ask'd 100000 *l.* (the usual damages given in that day) he had not failed of it, with the following Jury, which tryed the Cause.

*Bartholomew Ferrymán* (an old Informer, one of the Jury of the *Guildhall* Riot. *Thomas Blackmore* (One of *Dr Oles's* Jury, and also of the *Riot* Jury)

*Thomas Symonds.*

*William Whatton,* (One of the *Riot* Jury.)

*John Greene,*

*Thomas Amy,* (One of *Sr S. Barnardiston's* Jury.)

*Joseph Baggs.*

*Daniel Chandler.*

*John Reynolds.*

*John Allen.*

*Joseph Caine,* and

*Will. Wythers junior,*  
(*Fathers own Son.*)

*Mr Mundy* opened the *Declaration*, to this effect, That the *Plantiff* being *Lord Mayor*, and to attend that Office in the diligent Government of the *City* ; The *Defendant*, envying the happy Estate of the *Plantiff*, and contriving unjustly to disturb him, in the Execution of his Office ; did, to vex him, (not having any probable Cause of Action against him)

him) maliciously prosecute the King's Writ out of the Court of King's-Bench against him; directed to the Coroner of London, commanding him to take Sr William Pritchard at Mr Papillon's suite, in an Action of Trespass; and did procure Mr John Brome, The Coroner, to arrest him, and that he was detained in custody six hours; To the disgrace and scandal of the Plaintiff and of his Office; Whereas in fact, he had not any just Cause of Action against him, to his damage 10000 l.

Then, the Attorney General told the Jury, that the action was brought to vindicate the honour of the Chair, from such Affronts, as these, which in no Age (till our times of faction and confusion) it ever met with: and he said, We shall shew you, that there lay a further Malice in this case, and that there was a design in it against the Government; This design was laid to carry on the great Plot, against the Lives of the King and the Duke; and for subversion of the Government — The end of this business was, to have had a commotion, for the accomplishing their great Conspiracy; but *Pariteriunt Montes*, For after this Tragical Out-cry, their own Witnesses only proved, that Mr Brome

*Brome the Coroner, went to my Lord Mayor, and told him that he had a Writ against him, at the suite of Mr Papillon, and another at the Suite of Mr Dubon; and prayed him, that he would please to give an appearance, and that upon his refusing to do it, his Lordship went in his own Coach to the Coroner's House.*

*Mr Serjeant Maynard, then offered to the Jury, That my Lord Mayor, if he, mistake in his Office, and doth not that which belongs to him to do, he is as much subject to the process of the Law, as any private Citizen; That, the question they were to try was, Whether Mr Papillon had probable Cause of Action against the Mayor; That the Case was thus, Upon the contest about the choice of Sheriffs, the Judges of the Election, certify to the Mayor and Aldermen, that Mr Papillon had most Suffrages; thereupon he conceived himself rightly chosen; and that surely, gave him a probable cause to proceed upon it; and if so, no doubt he might well take the course he did; here is no Arrest without legal Process; nay, their own Witnesses say, there was an offer to take an appearance, without an Arrest; but, that being refused, the process*

cess of the Law was executed——He had no other course to take, but to bring his Action against the Mayor; This course he took; *here is a great deal of stir made that a Coroner of London, should Arrest my Lord Mayor; he might do it lawfully; doth this prove, that this was maliciously done? Have they proved any particular discontent and malice, that was between them? No, the quite contrary appears; did he Violently Arrest him? That he might do, and no offence in Law; no, but he did it not, but only desired from time to time, that he would give an appearance, that would have put a Conclusion to this dispute—— Besides, the Sheriffs having made a return of Mr Papillon's Election to the Aldermen; they being of another opinion, gave order that those who thought themselves agrieved, should take their remedy at Law; which has been pursued, in the regular course, the Law prescribes——Here is a great noise of Damage and Disrepute and Disgrace; and the Plaintiff has been pleased to reckon his own Damages at 10000l.——We say, he has sustained no Damage——The very Court of Aldermen and the Lord Mayor, bidding them  
take*

take their course at Law; We, sure, shall not be punished for doing it.

Mr *Williams* then insisted, that the *Plaintiff's* Action must fall, if they shewed, that it was not Malitious, and that Mr *Papillon* had a probable cause to bring his Action.

Mr *Ward* then observed to the Jury, that Mr *Papillon* had been greatly reflected upon; That by way of *Crimination* against him, there was a most unjust reflection, as if he were privy to an intended *Insurrection* and *Conspiracy* against the *King's* Life; and procured the *Mayor* to be Arrested, to promote an *Insurrection*; That this was only insinuated for *Reflection* sake, and not one word of any such thing proved; He then added, that the Case before them depended upon this point; Whether Mr *Papillon* had a reasonable cause or probable ground to bring an Action against Sr *William Pritchard*; If so, all that was desired, was only an *Appearance*, but that would not be given. — That the Jury had been told, of the great dangers in the Case, as to the Infringment of the *Peace*, &c. but had Sr *William Pritchard* complied, with the reasonable and oft repeated request

quest, of ordering an *Appearance*, the *Peace of the Kingdom* had been in no peril from such a design as this Arrest.

Here, the *Chief Justice* told Mr *Ward*, (a Person never esteemed to come short of Sr George Jefferies, in any thing but Insolence and Impudence) That he had made a long Speech, and nothing at all to the purpose; and that he did not understand what he was about; and that made him ramble in his Discourse; and did then, in a raving and most impetuous manner, repeat his expression six or seven times, that Mr *Ward* did not understand the Business.

Mr *Brome* the *Coroner* (being called to give an account of the manner of his Arresting my *Lord Mayor*) testified; That he had a former Writ in *Hillary Term*, and went to my *Lord Mayor*, and desired him that he would appear to it, but he said, he would give no *Appearance*; That he gave his *Lordship* a week or ten days to consider of it; and then waited upon him at the *Court of Aldermen*, and had his answer, that he had considered of it, and would give no appearance.

That, a little before *Easter Term*, the *Attorney* brought him another *Writ*, and threatened



threatned to complain to the Court of him, for neglecting the Execution of two of the *King's Writs*; That thereupon he went again to my *Lord*, and told him that the *Writ* was renewed, and he was pressed to make a return; and desired, that his *Lordship* would please to give an Appearance; and that he told him that he was ready to submit to the *King's Writ*, but would not give an Appearance; and thereupon the *Officers* named in the Warrant, Arrested him by his Command.

Then, Mr *Crisp* the common Serjeant, (sitting at *Alderman Cornish*) falls to interrogating Mr *Brome*, who were present at the meeting, when the Arresting the *Mayor* was agreed upon; he having named two or three, the *Common Serjeant* further pressed him to name others; and then, the *Chief Justice* explained the *Common Serjeant's* meaning, by demanding whether Mr *Cornish* was there?

*Alderman Cornish* and Mr *Serjeant* testified, That Mr *Papillon* and Mr *Duboi*, being at the *Alderman's* House; their *Attorney* came to them, and told them, that he had addressed himself from time to time to my *Lord Mayor*, to get

get him to give an Appearance, but he would not; and that thereupon they told him, *it was fit the matter should be brought to an Issue*; and ordered him to get an Appearance if he could, and to remember that the *Lord Mayor* was the *Chief Magistrate* of the *City*; and that he should carry it with all imaginable respect and regard to him.

Here, the *Chief Justice* and *Attorney General*, made long and extravagant excursions, running upon *Alderman Cornish*, with abundance of Questions, wholly foreign to the matter in Question; and *Jefferies* told him, that he had as much cause as any Man to remember the manner of his own being chosen *Sheriff*, for several reasons that he knew. [A plain Indication of what he designed against this honest Gentleman.] And then his *Lordship* added; that he only asked things by the by, to satisfy the World what sort of Men these are, that pretend to *Sainthood*; and with his wonted blustering Impudence, said, Do you think the *Government* will ever suffer it self, to be snivelled at, and overthrown by a *Company* of such *Whining Fellows*? — Do you think to sham *People* into *Offices*?

Offices? No, I tell you, Villany was the Foundation of it, and Knavery the Super-structure—Neither Bethel, nor that very Fellow that stands there, Cornish, would have taken the Oaths and Sacrament, till they found it would contribute to the design of subverting the Government, then these Rascals could qualifie themselves for an Office, only to put the Kingdom into a Flame.

Mr Gilbert Nelson then testified, That upon the holding up of the Hands, at the Election of Sheriffs the 24<sup>th</sup> of June 1682. there were upon the view, most for Mr Papillon and Mr Dubois; and that upon the casting up the Poll Books, there was the greatest number for Mr Papillon. Mr Wightman added, that in the Poll-Books, there were 2400. and odd, for Mr Papillon and Mr Dubois.

Mr Leonard Robinson added, that by the Hands, the majority was much more for Mr P. and Mr D. than for the other two; and the Sheriffs did so declare their opinion; and a Poll being demanded, and granted, after it was closed in the Evening; the Sheriffs declared the Numbers upon the Hustings; Mr P. and Mr D. had above two thousand, and Mr North and Mr Box some hundreds under two thousand.

Mr

Mr *Baker* testified, that the Action was brought by the advice of Mr *Wallop*, Mr *Pollexfen* and Mr *Thompson*.

Then, the *Chief Justice* comes to sum up the Evidence, and after a most tedious Introduction proceeds to discharge his Spleene thus ; Come, *Gentlemen*, it is best to be plain ; Tho' it is true, a Man may lawfully sue for such an Office, and it is no offence, yet it looks somewhat extraordinary, 'tis for some strange purpose or other——It is notoriously known, that for several Years the Government has been beset, and, which is a baser thing than ever was thought of, or acted in the highest times of Villany ; the very Methods of Justice have been corrupted ; and all to serve the main design of subverting the Government.

*Gentlemen*, this is so black a Wickedness, that no honest Man, that has any sense of Loyalty, Religion, or common Justice, but must tremble at the very thoughts of it: When we see such Fellows as are common Reproaches to the Government ; shall get into Office, to make Ignoramus Juryes——When men begin to take Oathes to sanctifie Villany, what shall we say ? And all this you, all of you, *Gentlemen*, know

to be true — Was it not more safe to conspire the death of the *King* & his *Brother*, than to give the least frown upon one of these *frivelling Saints*? Did not we know, that Men were sanctified to be *Jury-men*, that before, were never thought fit to be trusted, with the common Society of honest Men?

Mr Papillon *knows all this to be true eminently*: When pack'd Jurys were grown to that heighth, that when seven or eight *Witnesses* swore down-right *Treason*, The *Traytor* could not by these Men so much as be accused by an *Indictment*; To that stupidity in Villany, were things brought by these *Fellows*; So far were the proceedings in *Courts of Justice* tainted, that *cropp'd Hair* and a *demure Look*, were the best signs of a good Evidence.

*Gentlemen!* There was not a pursuit of right in this case, *It was a designed piece of Villany, on purpose to affront the Government, nay, to destroy it; and if he were ten thousand times Mr Papillon, I would tell him so.*

It is plain, *Gentlemen*, that the design, from the beginning to the end, was to cause a tumult and confusion in the *City*; in order to put that damned hellish

Con-

*Conspiracy*, for destroying the King and his *Brother*, and every man, that was *honest* and *loyal*, in execution; This *Gentlemen*, is plain *English*.

We all know Mr *Papillon* to be a wealthy Man; one that had rather have minded his Affairs, than the expensive Office of *Sheriff*; but, *that something was to be done, to wreak a damned Malice and Revenge upon the Government*——This I tell him openly, and let him and his party make their Remarks upon it as they please——There was questionless, a devilish Malice, fixed in his heart and mind; and he wanted an opportunity to effect it, and he thought it best for his own security, to take this course, and nothing else was in it.——Alack-a-day (as Mr *Pilkington* said) *I am for the preservation of the Liberties and Properties of the Subject*; but I find the *City* is strangely run down, in their Rights and Privileges, I will rather take a troublesome Office, than let all run thus, and immediately sets himself a *Cock-a-hoop*, as if there were none to take care of the *City*, but himself——He, and Mr *Bethel* and Mr *Cornish* forthwith, are the only Men of the times, the

the Men; *Men for the Liberties of the Subject, and the Rights of the City.*

*Gentlemen, the Government is infinitely concerned in this Case ; that puts a weight upon your enquiry into the damages ; your severity in this Case, will deter all People from entering into Clans and Cabals to affront the Government.*

That I may not further nauseate the Reader with the foul Language & venomous Malice of this Insolent, arrogant and intolerable Slanderer, I shall transcribe no more of his virulent discourse, though he run on to a strange length, at a most wicked and infamous rate of Falshoods and Defamations, against the best Men of the City, without any manner of colour for the truth of what he said.

The Jury thus directed, found for the Plaintiff, and assessed Damages to 10000 l.

The Chief Justice said, Gentlemen, you seem to be Persons that have some sense upon you, and consideration for the Government, and I think have given a good Verdict, and are to be greatly commended for it.

By this extravagant and most unrighteous Verdict, was this upright and Wise Citizen, Mr Papillon, drove into Exile, till Heaven vouchsafed him, with the Nation,



a most Miraculous and happy deliverance,  
by the glorious Undertaking of our now So-  
veraign then Prince of Orange.

That it may not be forgotten, how  
this Plaintiff *Sr William Pritchard*, came  
to be *Lord Mayor*; I shall subjoyn the  
Account of the Poll, taken, when he  
was brought on.

*Sr Thomas Gould* had 2257 Votes.

*Alderman Cornish* had 2227.

*Sr William Pritchard* had but 2144.

*Sr Henry Tulse* had 236.

Being conscious, that in the fore-  
going Account of the Tryal of the pre-  
tended *Guildhall Riot*; I forgot to intimate  
to the Reader, that *Lieutenant Colonel*  
*Quincy* had a *Warrant*, for what he did,  
tho' he did not condescend to show it to  
such Men as *Sr Robert Clayton* and the  
other *Aldermen*, upon whom he put the  
Indignity before mentioned; to do him  
right (and to shew that though he might  
act too headily, 'twas not upon his own  
Head) I shall in this place insert the  
Names of those who ordered him, and  
the Forces he then commanded, to that  
Post; They were,

The Lord Mayor (*Sr John Moore.*)

Sr

Sr George Waterman,	Thomas Cowden,
Sr James Edwards,	Edward Beaker,
Sr Will. Pritchard,	John Wallis,
Sr Hen. Tulse,	John Nicolls,
Sr James Smith,	William Parker,
Sr John Peak,	Henry Loads,
Sr John Chapman,	Peter Aylworth,
Sr Sym. Lewis,	John Short,
Sr John Mathews,	Richard Aily,
Sr Benj. Newland,	Benj. Skut,
Sr William Dodson,	Humphrey Stroud, &
Sr John Buskworth,	William Carpenter,
Lt. Colonel John Steventon,	

*Remarks upon the Tryal of Alderman  
Cornish, at the Old-Bayly, upon  
Munday the 19th of October, 1685.  
Before the Lord Chief Justice  
Jones, the Lord Chief Baron,  
Justice Wythens, Justice Levins,  
Justice Streete, Baron Gregory and  
Jenner the Recorder.*

**W**hen the Reader remembers what  
part this Eminent and Worthy  
Citizen acted, in the mighty Struglings

Between *Christianity* and *Popery*; *English Liberties* and *Tyranny*; he will not be surprised to see him overwhelmed; when by the Aid of the worst of men; the Banks of our Security were broken down, and the Torrent of *Popery* and *Arbitrary Power* carried all before it.

That from the time of the discovery of the *Popish Plot*, the *Conspirators*, did, with indefatigable Industry, apply themselves to shift it off to the *Protestants*; is most undoubtedly and beyond contradiction true. This alarming the *City*, and it being well known, that the *Lives, Liberties & Estates of English-men*, against *Arbitrary Attempts* upon them; Lay in *Tryals by Juries*; The *Citizens*, in the Year 1680, rouz'd out of the Lethargy in which they had long lain, and bethink themselves how to secure substantial, honest *Juries*; knowing, that that could only be accomplished by proper *Sheriffs*; They pitched upon and elected, Mr *Bethel* and Mr *Cornish*, to serve in that Office; By so doing, and by a like Election of Mr *Pilkington* (now deservedly *Lord Mayor*) and Mr *Shute*, in the succeeding Year 1681, the *Popish* design, of murdering *Protestants* under colour of Law,

was

was Post-poned; until the Ancient Right of Electing *Sheriffs*, was ravish'd from the *City* in the year 1682.

However, the *Conspirators*, impatient of delay, made their attempt in the *Sheriff-alty* of Mr *Bethel* & Mr *Cornish*; The *Earl* of *Shaftesbury*, and divers others are now clapt up, upon pretence of a *Plot*; and an experiment is made upon Mr *Stephen Colledge*, a Man of great *Honesty* and who wanted nothing but a *Figure* to make him every way valuable; But these *Sheriffs* not furnishing a *Jury* to cut him off; The *Earl* of *Shaftesbury*, and the rest who were imprisoned, are reserved for the next *Sheriffalty*; When they hoped (tho' as *Heaven* would have it, without ground) to get *Sheriffs* and by them *Juryes*, for their purpose: And the *Conspirators* being enraged at the disappointment and baffle put upon them by an honest *City-Jury*, in the Case of Mr *Colledge*, They hurry that poor man to *Oxford*, and there, by most unpresided illegal Practices, basely murder him.

Further, it cannot be forgotten, that the honest endeavour of these worthy *Sheriffs* (Mr *Bethel* and Mr *Cornish*)

ish) to have the *Sham-Plot* of *Fitz. Harris*, throughly searched into, did greatly contribute to their future Sufferings.

The mentioning this *Wretch*, forces a Remembrance of the Stratagems then used, to present his discovery of the Authors of his *Trayterous Libel*, and of the design for which it was framed; That that matter might not be pryed into by the *Magistrates* of *London*, he is removed from *Newgate*, to a most close Confinement in the *Tower*; Then, *he being Impeached in the Oxford Parliament*, in *March 1680*, to hinder the Examination of it there, that *Parliament* is dissolved: Quickly after, he is tryed and condemned in the Court of *Kings-Bench*; Then, tho' a *Papist*, he is left solely to the management of *Dr H.* of the *Tower*, and without controversie, was held to the last Moment of his Life, under the hope and expectation of a Pardon, if he would confess, (or to speak more properly say) as he was directed; But being deluded, and his Mouth stop'd; The *Doctor* in his Name emits to the World, a *Mock Confession*, inconsistent in it self, and most notoriously void of truth;  
but

but most wickedly contrived to render these *Sheriffs*, and also those worthy *Gentlemen*, *Sr Robert Clayton*, (an *Alderman*) and *Sr George Treby* (Recorder of *London*) infamous and odious to the highest degree; and all this with design to create a belief of a *Protestant Plot*; particularly, the *Doctor's Paper* charged the *Sheriffs*, that they came to *Fitz. Harris* in *Newgate*, with a Token from the *Lord Howard*, which he knew to be true, and told him, nothing would save his Life, but discovering the *Popish Plot*; and gave him great encouragement from the *Lord Howard*; that if he would declare that he believed so much of the *Popish Plot*, as amounted to the introducing the *Roman Catholics*; or if he would find out any that would criminate the *Queen*, or the *Duke*; or make so much as a plausible story to confirm the Plot; that the *Parliament* would restore him to his *Father's* estate, with the profits thereof, since his *Majesty's* Restoration. How idle false, groundles and villanous soever this Story was; it highly irritated the *Conspirators* against these *Gentlemen*.

About this time, God for the Scourge

of the Nation, had sent into the City, *that common Nuisance to Mankind*; a Race of blind senseless Creatures, who hardly deserved to be called Men, and therefore took to themselves, the Name of *Tories*; These *Animals*, seeming to delight in *Fetters of Iron*, rather than *Chains of Gold*, were the *Champions for Arbitrary and Despotick Power*; They set themselves to betray the *Rights and Liberties of the City*; and to bring all *Free-born Englishmen*, to live at the Will of an *Absolute Prince*; These, by *Addresses of Thanks* for the *Violation of the Laws*; and of *Abhorrence* of those who endeavoured to maintain them; invited the *Conspirators* to attempt the overthrow of the *Antient Priviledges and Government of London*; Nay, their *Solicitation (Backt with assurance of a Surrender)* procured the bringing a *Quo Warranto* against the *City Charters*; But the *Wretches* failing their *Principals* herein; as they ever did in all things, but *Noisy Huzza's*; and a *Committee of Aldermen and Commoners (true English-Men)* being appointed to guard the *City Franchises* against the *Quo Warranto Attack*; New Measures must be taken; hereupon,

The



The *Tories*, (now perceiving that their *Quo Warranto*, must pass the *Formalities* of *Westminster-Hall*) with bended *Knees*, supplicate the aid of that Tool of *State*, Secretary *Jenkins*; He readily esponses them, and having the *Ascendant* of *Sr John Moor*, at this time most unluckily *Lord Mayor*; directs him to constitute *Mr North* and *Mr Rich*, *Sheriffs* of the *City*; which he as obsequiously as daringly undertakes.

Many worthy *Citizens* (whose names deserve eternal remembrance) boldly withstood these Arbitrary & Illegal Attempts; Amongst them *Mr Bethel* and *Mr Cornish* were not the last; and they felt with the first, the rage of the *Conspirators* and their *Adherents*; Their honest, innocent and peacable appearing, to Vote for the Election of *Sheriffs* in 1682, according to the undoubted right of the *Citizens*; was termed a *Riot*, and (in *Mr Cornish's Tryal*, now before us) a Branch of the *Plot*. (and most certainly it was the greatest *Plot* and *Treason*, in which these most deserving Gentlemen ever engaged themselves) For this imaginary *Riot*, they were, with others, brought to *Tryal*; The *Sheriffs* made by  
*Riot*

*Riot, Force and Arms*, returned upon them some of the true *Rioters* for *Jury-Men*: Others of them were made the *Witnesses*, and so they were found guilty, and most extravagantly Fined.

Mr *Bethel*, after about two years Imprisonment, for non-payment of the *Fine*, against all Law and Reason imposed upon him, Obtained his Liberty, by payment of his *Fine*; he having wisely observed, that the *Juries* of that day, did Kill as sure as Death, every Man whom the *Conspirators* marked out to them; and being thus at Liberty, and also at leisure, resolved for a time to take his leave of *England*, as he did; and so very happily lives at this day, to be further servicable to this famous *City*, and his *Generation*; But

Mr *Cornish's* Family and great Occasions, having detained him, within the reach of the *Conspirators*; The wise disposer of all things, now permits him to be made a *Sacrifice* to the *Tories* Rage.

They charge him with an *Indictment* of *High Treason*, for *Conspiring* the death of *King Charles* the second, and the raising a *Rebellion*:

The

The Jury sworn upon him were,

*Thomas Rawlinson,*

*Thomas Langham,*

*Ambros Isted (of Fleetstreet.)*

*Thomas Pendelton,*

*John Grice,*

*Thomas Oneby, (of Aldermanbury.)*

*William Clowdesly, (of Fishstreet, of whom it is generally and very credibly reported, that he was killed about three years after, with a piece of Wood called the Cornish of an House, upon the blowing up some Houses at the Fire at Paul's-Wharfe.)*

*Richard Holford, (of Breadstreet-Hill, Cheesemonger)*

*William Long-boat,*

*Stephen Colman, (of Leadenhall-street, at the Corner of Limestreet)*

*Robert Clavel, (Book-seller in St Pauls Church-yard) and*

*William Long.*

The King's Council, were,

The Attorney General,

The Solicitor General,

Mr North, and

Mr Phipps.

The Attorney General, aggravated the matter charged in the Indictment, thus,

Gentlemen

*Gentlemen of the Jury; the Prisoner stands Indicted for Conspiring the death of the late King; and for raising Rebellion; and consenting to be assisting to the Rebellion then designed——I need not tell you what part he acted when he was Sheriff, that that was the ground-work of the Rebellion, setting the Commonality against the Government of the City.*

Hereupon Mr Cornish said, that he was as Innocent as any Man in the Court, and the Attorney ironically replied; So was my Lord Russel to his Death, Mr Cornish; do you remember that?

Then Colonel Romsey (who to the certain knowledge of the Judges and King's Council, had perjured himself in the Tryal of my Lord Russel) testified, that about October or November, 1682. he went to Mr Shepherd's House, to the Duke of Monmouth, my Lord Russel, Lord Gray, Sr Thomas Armstrong and Mr Ferguson; That they were just going away when he came; That before they went, Alderman Cornish was brought in by Shepherd, and made his Excuse that he did not come sooner, and said he could not stay with them: That thereupon Mr Ferguson opened his Bosome, and pull'd out a Paper,

Paper, and read it to him, Mr *Shepherd* holding the *Candle*; and after it was read he said he liked it well; That he the said *Romsey*, did not hear all the the Paper read, but it was a *Declaration* to have been disperfed when the *Rising* was to have been.

That there were, as he well remembered, two points in it, One was *Liberty of Conscience*, and the other, That all, who would affist in the *Insurrection*, that had any Lands of the *King's* or *Churches*, in the late War, should have them restored.

Mr *Goodenough*, (who to capacitate him to be a *Witness*, brought a *Pardon* for one *Treason*, for which he had been Outlawed, and stood awed with the guilt of another) He testified, that being with *Alderman Cornish* in the beginning of the year, 1683. He said to him, Now the Law won't defend us, tho' we be never so innocent, some other way is to be thought on and that upon this, the *Alderman* said, he wondered the *City* was so unready, and the *Country* so ready; That he thereupon told him, that something was thought of to be done here, but in the first place the *Tower* ought to be seized; That

That the *Alderman*, after a little pause, said, *I will do what I can, or what good I can.*

That some time after, the *Alderman* met him upon the *Exchange*; and asked him how Affairs went; which he understood to relate to what they had discoursed; and that he answered him, *Well*; But he acknowledged that he had other matters with him, about the defence of the Riot.

Upon this mention of the Riot, *Justice Wythens* reflected, saying, *Mr. Cornish*, I tell you that was a branch of the Plot, take that from me; and quickly after he told him something as true, (*viz*) *Mr. Cornish*, you have this Happiness, that you will be Tryed by your Fellow Citizens, of very good Quality and Understanding, I must tell you.

On behalf of *Alderman Cornish*, there appeared *Sr William Turner*, *Alderman Love*, *Mr Jekil*, and *Mr Gosfright* who testified, that the Prisoner had great aversion to *Goodenough*, and did oppose his being made *Under-Sheriff*; but the Chief Justice slighted their Evidence; and *Wythens*, said  
 Note, a Person under the guilt of *Treason* is allowed for a good Witness, *Mr Jekyl* was in a Limb of the Plot,

one of the greatest  
of the Rioters.

but this Learned Ju'ge  
seems to doubt in the Case  
of a Rioter.

Then Sr *Thomas Lane* testified, that  
in my Lord *Ruffel's* Tryal, *Romsey* swore  
that he did not hear the Declaration read,  
it being done before he came.

Dr *Calamy* Mr *Carlton* Mr *Cooke* Mr  
*Knap* and Mr *Smart*, then spoke to the  
Life, Reputation and Loyalty of the Pri-  
soner.

It deserves to be noted, that after the  
Evidence given, Mr *Solicitor* did here  
omit the drudgery (which in all other Cases  
of this nature he underwent) by a long  
florid Speech, to impress the Jury in  
the matter: here it sufficed that Judge  
*Wythens* had just before passed his word,  
that this Jury was composed of Citizens  
of very good quality and understanding;  
therefore they might be trusted, well  
enough; knowing what they had to do.

The Lord Chief Justice *Jones*, who had  
in the whole proceeding of the Tryal,  
discovered sufficient tartness; summed up  
the Evidence to the Jury. Then,

The Jury being withdrawn, the Pri-  
soner informed the Court, that he had  
omitted to call one material Witness,  
where-



whereupon the Jury being returned,

Mr Shepherd testified, That Mr Cornish came into his House to speak with the Duke of Monmouth, or some other person, he could not positively, after so many Years, say whom; and did not stay half a quarter of an Hour; That Shepherd went up Staires, and came out of the Room with him; and that there was not one Word read, or Paper seen while Mr Cornish was there; That he was not look'd upon to be one of the Company; But before he came, Mr Ferguson had pull'd off his Shooe, and took the Declaration out there, and read it; and Mr Cornish knew nothing of it.

[Note, This evidence to a little stands with what Romsey swore at my Lord Russel's Tryal, which was, that about the latter end of October, or the beginning of November, my Lord of Shaftesbury told him of the meeting of the Duke, Lord Russell, Lord Grey, Sr Thomas Armstrong, and Mr Ferguson at Shepherd's and sent him to them; which evinces that Mr Cornish was not lookt upon, to be one of the Company, for if he had, the Earl of Shaftesbury would undoubtedly have named him also: Romsey then also swore positively that he was not there above a quarter,

ter of an hour, and that he was not at the reading of the Declaration, for it was done before he came.]

However, the Solicitor General, and also the Recorder affirmed this evidence of Mr Shepherd's had cleared the matter against the Prisoner, which before seemed dark; if so, what need now (the Solicitor having before left it without any Address to the Jury) of varnishing the matter? But 'tis evident, they were now pinch'd, and therefore Mr Solicitor's Rhetorick was found requisite to secure a Verdict, and he thus uttered it;

Gentlemen, there has been a very great Indulgence given to the Prisoner; After a full evidence, you were again sent for, to hear what he had to offer to you; I cannot but observe, this looks like a subtle contrivance on the Prisoner's part; when you are with-drawn, Shepherd sends intelligence to him, that he had something to say, that might excuse him; Truly I am very glad Mr Shepherd has been here, he is so far from invalidating any part of the Testimony, that by all the Circumstances you can collect from this Evidence, it is a Corroboration of it: It hereby appears that Mr Cornish was in that Company,

S

and

and came when they were met in private——No Man almost but must believe that he was privy to the Conspiracy; therefore, tho' this Witness seems to forget some part of the Evidence, the reading the *Declaration*, and holding the Candle; yet these are such Circumstances, that in themselves do carry a proof of the Charge, and do confirm (*He should have said contradict*) all the rest that Colonel Romfey hath said; *and this must be a great satisfaction to you, that he was there present and privy to this Design.*

Then the Jury with-drew for a short time, and returning, brought the Prisoner in Guilty. Thereupon the Recorder Jenner (*a Person made up of Malice, Noise and Nonsense*) spoke in this manner;

*Mr Cornish, your Crime is for Treason committed in the time of his late Majesty; being one of those notorious Conspirators, that designed to raise Rebellion; and it was carryed on sometime, it may be a year or more, under colour and pretence of Law; for so they did invade the Government, first of all by packing Juries; there was the foundation laid, to bring on that business, which they had at last designed, when they could bring it to a ripe head——I must tell you, what-*

ever

ever apprehensions you have to the contrary, and may please your self in : I am sorry to see such a Just as good sense as one sort of \* pleasure in handful of Grief and the your Countenance, other of Sorrow. as if you had had no Favour shewed you.

I am glad Shepherd was called, for I think it hath || cleared || That which puts the thing, beyond all out some Mens Eyes, manner of contradiction; before it look, enlighten others. ed something dark for want of Shepherd, and so it is an Happiness that the Man was called. (It would have proved so, before conscientious Judges and Jury-Men.)

Thus, having told him the true Reason why he must dye (*viz.*) his having been Sheriff, and returned Jurys to the disservice of the Conspiracy; He pronounced Sentence of Death upon him.

Upon the 4th day following (the 23d of October) to terrifie all Citizens, from asserting their Rights, and to put it out of doubt for what Treason he dyed, Whether for being at Shepherd's, or at the Election of Sheriffs, in 1682, He was executed in Cheapside; & was fixed upon Guildhall, || in ken of the || There being now a Vacancy, 'tis pity another Head is place, where Sr John not found to supply that place. Moore committed that

*Riot*, from whence the Death of this good *Citizen*, and many other accursed and nefarious *Mischiefs* sprung.

There wanted not a sort of Men at this time, who would have perswaded the World, that *Murder* was a *Royal Sport*; for one *Hindmarsh*, a Book-seller, printed a *Ballad*, which he called, *Advice to the City, sung to the King at Windsor*; wherein are these entertaining Lines.

Then *London* be wise, and baffle their power,  
And let 'm play the old Game no more,  
Hang, hang up the Sheriffs,  
Those Baboones in power,  
Those Popular Thieves,  
Those Rats of the Tower.

The Instruments of shedding this Blood, may do well to reflect upon the fate of *Clowdesly*, one of the Jury-men; And also to consider, whether the Judgment of Heaven was not proclaimed against that dayes work, by the violent & most impetuous Tempest of Wind, Rain, Thunder and Lightning; which was sent upon the sudden, and most surprizingly, to close that Fatal Day.

FINIS

Then London be wife I  
baffle their power  
I tell them play the old game  
no more  
hang. hang on the sheriff  
those baboons in power  
those popular thieves  
those rats of the Tower.

those rats of the Tower